

David Shallenberger proposes the following substitute bill:

**Data Privacy Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David Shallenberger**

Senate Sponsor: Kirk A. Cullimore

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**LONG TITLE**

**General Description:**

This bill amends the Government Data Privacy Act and the Government Records Access and Management Act.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires governmental entities to obtain authorization from their elected legislative body before implementing high-risk surveillance activities;
- requires approved surveillance activities to be included in annual reports;
- restructures the Utah Privacy Commission to include representatives from state agencies, cities, counties, public education, and higher education;
- transfers support of the Utah Privacy Commission from the state auditor's office to the Office of Data Privacy;
- authorizes the commission to establish participation requirements for commission members;
- authorizes the Office of Data Privacy to provide recommendations and guidance;
- authorizes the Office of Data Privacy to partner with state institutions of higher education for research and support functions;
- establishes the data privacy ombudsman as a component of the Office of Data Privacy;
- establishes a data privacy complaint process;
- removes duplicative provisions from the Government Records Access and Management Act;
- expands amendment and correction procedures to cover information beyond personal data; and
- makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **20A-11-1604**, as last amended by Laws of Utah 2025, Chapters 90, 448

36 **53-18-102**, as last amended by Laws of Utah 2022, Chapter 367

37 **63A-19-101**, as last amended by Laws of Utah 2025, Chapter 475

38 **63A-19-102**, as last amended by Laws of Utah 2025, Chapter 475

39 **63A-19-202**, as enacted by Laws of Utah 2024, Chapter 417

40 **63A-19-203**, as renumbered and amended by Laws of Utah 2025, Chapter 475

41 **63A-19-204**, as renumbered and amended by Laws of Utah 2025, Chapter 475

42 **63A-19-301**, as last amended by Laws of Utah 2025, Chapter 475

43 **63A-19-302**, as enacted by Laws of Utah 2024, Chapter 417

44 **63A-19-401**, as last amended by Laws of Utah 2025, Chapter 475

45 **63A-19-401.1**, as enacted by Laws of Utah 2025, Chapter 475

46 **63A-19-401.2**, as enacted by Laws of Utah 2025, Chapter 475

47 **63A-19-401.3**, as enacted by Laws of Utah 2025, Chapter 475

48 **63A-19-401.4**, as enacted by Laws of Utah 2025, Chapter 475

49 **63A-19-403**, as enacted by Laws of Utah 2024, Chapter 417

50 **63A-19-405**, as last amended by Laws of Utah 2025, Chapter 475

51 **63A-19-406**, as last amended by Laws of Utah 2025, Chapter 475

52 **63A-19-501**, as last amended by Laws of Utah 2025, Chapter 475

53 **63G-2-201**, as last amended by Laws of Utah 2025, Chapters 299, 476

54 **63G-2-301**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

55 **63G-2-302**, as last amended by Laws of Utah 2025, Chapter 172

56 **63G-2-601**, as last amended by Laws of Utah 2025, Chapter 475

57 **63G-2-803**, as last amended by Laws of Utah 2013, Chapter 426

58 **67-1a-15**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

59 ENACTS:

60 **63A-19-407**, Utah Code Annotated 1953

61 **63A-19-502**, Utah Code Annotated 1953

62 RENUMBERS AND AMENDS:

63           **63A-19-408**, (Renumbered from 63G-2-303, as last amended by Laws of Utah 2025,  
64           Chapter 208)

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66           *Be it enacted by the Legislature of the state of Utah:*

67           Section 1. Section **20A-11-1604** is amended to read:

68           **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**  
69           **reporting requirements.**

70           (1)(a) Before or during the execution of any order, settlement, declaration, contract, or  
71           any other official act of office in which a state constitutional officer has actual  
72           knowledge that the state constitutional officer has a conflict of interest that is not  
73           stated in the conflict of interest disclosure, the state constitutional officer shall  
74           publicly declare that the state constitutional officer may have a conflict of interest  
75           and what that conflict of interest is.

76           (b) Before or during any vote on legislation or any legislative matter in which a  
77           legislator has actual knowledge that the legislator has a conflict of interest that is not  
78           stated in the conflict of interest disclosure, the legislator shall orally declare to the  
79           committee or body before which the matter is pending that the legislator may have a  
80           conflict of interest and what that conflict is.

81           (c) Before or during any vote on any rule, resolution, order, or any other board matter in  
82           which a member of the State Board of Education has actual knowledge that the  
83           member has a conflict of interest that is not stated in the conflict of interest  
84           disclosure, the member shall orally declare to the board that the member may have a  
85           conflict of interest and what that conflict of interest is.

86           (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall  
87           be noted:

88           (a) on the official record of the action taken, for a state constitutional officer;

89           (b) in the minutes of the committee meeting or in the Senate or House Journal, as  
90           applicable, for a legislator; or

91           (c) in the minutes of the meeting or on the official record of the action taken, for a  
92           member of the State Board of Education.

93           (3) A state constitutional officer shall make a complete conflict of interest disclosure on the  
94           website:

95           (a)(i) no sooner than January 1 each year, and before January 11 each year; or

96           (ii) if the state constitutional officer takes office after January 10, within 10 calendar

- 97 days after the day on which the state constitutional officer takes office; and
- 98 (b) each time the state constitutional officer changes employment.
- 99 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 100 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
- 101 (ii) if the legislator takes office after January 10, within 10 calendar days after the
- 102 day on which the legislator takes office; and
- 103 (b) each time the legislator changes employment.
- 104 (5) A member of the State Board of Education shall make a complete conflict of interest
- 105 disclosure on the website:
- 106 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
- 107 (ii) if the member takes office after January 10, within 10 calendar days after the day
- 108 on which the member takes office; and
- 109 (b) each time the member changes employment.
- 110 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 111 (a) the regulated officeholder's name;
- 112 (b) subject to Subsection (7):
- 113 (i) the name and address of each of the regulated officeholder's current employers and
- 114 each of the regulated officeholder's employers during the preceding year; and
- 115 (ii) for each employer described in this Subsection (6)(b), a brief description of the
- 116 employment, including the regulated officeholder's occupation and, as applicable,
- 117 job title;
- 118 (c) for each entity in which the regulated officeholder is an owner or officer, or was an
- 119 owner or officer during the preceding year:
- 120 (i) the name of the entity;
- 121 (ii) a brief description of the type of business or activity conducted by the entity; and
- 122 (iii) the regulated officeholder's position in the entity;
- 123 (d) in accordance with Subsection (8), for each individual from whom, or entity from
- 124 which, the regulated officeholder has received \$5,000 or more in income during the
- 125 preceding year:
- 126 (i) the name of the individual or entity; and
- 127 (ii) a brief description of the type of business or activity conducted by the individual
- 128 or entity;
- 129 (e) for each entity in which the regulated officeholder holds any stocks or bonds having
- 130 a fair market value of \$5,000 or more as of the date of the disclosure form or during

- 131 the preceding year, but excluding funds that are managed by a third party, including  
132 blind trusts, managed investment accounts, and mutual funds:
- 133 (i) the name of the entity; and
  - 134 (ii) a brief description of the type of business or activity conducted by the entity;
- 135 (f) for each entity not listed in Subsections (6)(c) through (e) in which the regulated  
136 officeholder currently serves, or served in the preceding year, in a paid leadership  
137 capacity or in a paid or unpaid position on a board of directors:
- 138 (i) the name of the entity or organization;
  - 139 (ii) a brief description of the type of business or activity conducted by the entity; and
  - 140 (iii) the type of position held by the regulated officeholder;
- 141 (g) at the option of the regulated officeholder, a description of any real property in which  
142 the regulated officeholder holds an ownership or other financial interest that the  
143 regulated officeholder believes may constitute a conflict of interest, including a  
144 description of the type of interest held by the regulated officeholder in the property;
- 145 (h) subject to Subsection (7):
- 146 (i) the name of the regulated officeholder's spouse; and
  - 147 (ii) the name of each of the regulated officeholder's spouse's current employers and  
148 each of the regulated officeholder's spouse's employers during the preceding year,  
149 if the regulated officeholder believes the employment may constitute a conflict of  
150 interest;
  - 151 (i) the name of any adult residing in the regulated officeholder's household who is not  
152 related to the officeholder by blood;
  - 153 (j) for each adult described in Subsection (6)(i), a brief description of the adult's  
154 employment or occupation, if the regulated officeholder believes the adult's presence  
155 in the regulated officeholder's household may constitute a conflict of interest;
  - 156 (k) at the option of the regulated officeholder, a description of any other matter or  
157 interest that the regulated officeholder believes may constitute a conflict of interest;
  - 158 (l) the date the form was completed;
  - 159 (m) a statement that the regulated officeholder believes that the form is true and accurate  
160 to the best of the regulated officeholder's knowledge; and
  - 161 (n) the signature of the regulated officeholder.
- 162 (7)(a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated  
163 officeholder or regulated officeholder's spouse is an at-risk government employee, as  
164 that term is defined in [~~Subsection 63G-2-303(1)(a)~~ Section 63A-19-408, the

- 165 regulated officeholder may request the filing officer to redact from the conflict of  
166 interest disclosure:
- 167 (i) the regulated officeholder's employment information under Subsection (6)(b); and
  - 168 (ii) the regulated officeholder's spouse's name and employment information under  
169 Subsection (6)(h).
- 170 (b) A filing officer who receives a redaction request under Subsection (7)(a) shall redact  
171 the disclosures made under Subsection (6)(b) or (h) before the filing officer makes  
172 the conflict of interest disclosure available for public inspection.
- 173 (8) In making the disclosure described in Subsection (6)(d), a regulated officeholder who  
174 provides goods or services to multiple customers or clients as part of a business or a  
175 licensed profession is only required to provide the information described in Subsection  
176 (6)(d) in relation to the entity or practice through which the regulated officeholder  
177 provides the goods or services and is not required to provide the information described  
178 in Subsection (6)(d) in relation to the regulated officeholder's individual customers or  
179 clients.
- 180 (9) The disclosure requirements described in this section do not prohibit a regulated  
181 officeholder from voting or acting on any matter.
- 182 (10) A regulated officeholder may amend a conflict of interest disclosure described in this  
183 part at any time.
- 184 (11) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a  
185 class B misdemeanor.
- 186 (12)(a) A regulated officeholder who intentionally or knowingly violates a provision of  
187 this section, other than Subsection (1), is guilty of a class B misdemeanor.
- 188 (b) In addition to the criminal penalty described in Subsection (12)(a), the lieutenant  
189 governor shall impose a civil penalty of \$100 against a regulated officeholder who  
190 violates a provision of this section, other than Subsection (1).

191 Section 2. Section **53-18-102** is amended to read:

192 **53-18-102 . Definitions.**

193 As used in this chapter:

- 194 (1) "Access software provider" means a provider of software, including client or server  
195 software, or enabling tools that do any one or more of the following:
- 196 (a) filter, screen, allow, or disallow content;
  - 197 (b) pick, choose, analyze, or digest content; or
  - 198 (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or

- 199 translate content.
- 200 (2) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 201 (3) "Dispatcher" means the same as that term is defined in Section 53-6-102.
- 202 (4) "Immediate family member" means a public safety employee's spouse, child, parent, or  
203 grandparent who resides with the public safety employee.
- 204 (5) "Interactive computer service" means the same as that term is defined in Subsection 47  
205 U.S.C. 230(f).
- 206 (6) "Law enforcement officer" or "officer":
- 207 (a) means the same as that term is defined in Section 53-13-103;
- 208 (b) includes correctional officers as defined in Section 53-13-104; and
- 209 (c) refers only to officers who are currently employed by, retired from, or were killed in  
210 the line of duty while in the employ of a state or local governmental law enforcement  
211 agency.
- 212 (7)(a) "Personal information" means a public safety employee's or a public safety  
213 employee's immediate family member's home address, home telephone number,  
214 personal mobile telephone number, personal pager number, personal email address,  
215 or personal photograph, directions to locate the public safety employee's home, or  
216 photographs of the public safety employee's or the public safety employee's  
217 immediate family member's home or vehicle.
- 218 (b) "Personal information" includes a record or a part of a record that:
- 219 (i) a public safety employee who qualifies as an at-risk government employee under  
220 Section [63G-2-303] 63A-19-408 requests to be classified as private under  
221 Subsection 63G-2-302(1)(h); and
- 222 (ii) is classified as private under Title 63G, Chapter 2, Government Records Access  
223 and Management Act.
- 224 (8) "Public safety employee" means:
- 225 (a) a law enforcement officer;
- 226 (b) a dispatcher; or
- 227 (c) a current or retired employee or contractor of:
- 228 (i) a law enforcement agency; or
- 229 (ii) a correctional facility.
- 230 (9) "Publicly post" or "publicly display" means to intentionally communicate or otherwise  
231 make available to the general public.
- 232 Section 3. Section **63A-19-101** is amended to read:

233 **63A-19-101 . Definitions.**

234 As used in this chapter:

- 235 (1) "Anonymized data" means information that has been irreversibly modified so that there  
236 is no possibility of using the information, alone or in combination with other  
237 information, to identify an individual.
- 238 (2) "At-risk government employee" means the same as that term is defined in Section [  
239 63G-2-303] 63A-19-408.
- 240 (3) "Automated decision making" means using personal data to make a decision about an  
241 individual through automated processing, without human review or intervention.
- 242 (4) "Biometric data" means the same as that term is defined in Section 13-61-101.
- 243 (5) "Chief administrative officer" means the same as that term is defined in Section  
244 63A-12-100.5[-] , and is a separate and distinct role from the chief administrative officer  
245 role described in Section 11-50-202, though a governmental entity may designate the  
246 same individual to serve in both roles.
- 247 (6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
- 248 (7) "Commission" means the Utah Privacy Commission established in Section 63A-19-203.
- 249 (8) "Contract" means an agreement between a governmental entity and a person for goods  
250 or services that involve personal data.
- 251 (9)(a) "Contractor" means a person who:
- 252 (i) has entered into a contract with a governmental entity; and  
253 (ii) may process personal data under the contract.
- 254 (b) "Contractor" includes a contractor's employees, agents, or subcontractors.
- 255 (10) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.
- 256 [~~(11) "Data breach" means the unauthorized access, acquisition, disclosure, loss of access,  
257 or destruction of personal data held by a governmental entity, unless the governmental  
258 entity concludes, according to standards established by the Cyber Center, that there is a  
259 low probability that personal data has been compromised.]~~
- 260 [~~(12)~~] (11) "Data privacy complaint" means a complaint or concern raised by an individual  
261 regarding:
- 262 (a) an alleged infringement on the individual's data privacy interests described in  
263 Subsection 63A-19-102(1); or
- 264 (b) a governmental entity's data privacy practices described in Part 4, Duties of  
265 Governmental Entities.
- 266 (12) "De-identified data" means information from which personal data has been removed or

267 obscured so that the information is not readily identifiable to a specific individual, and  
268 which may not be re-identified.

269 (13) "Genetic data" means the same as that term is defined in Section 13-60-102.

270 (14) "Governing board" means the Utah Privacy Governing Board established in Section  
271 63A-19-201.

272 (15) "Governmental entity" means the same as that term is defined in Section 63G-2-103.

273 (16) "Government website" means a set of related web pages that is operated by or on  
274 behalf of a governmental entity and is:

275 (a) located under a single domain name or web address; and

276 (b) accessible directly through the Internet or by the use of a software program.

277 (17)(a) "High-risk processing activities" means a governmental entity's processing of  
278 personal data that may have a significant impact on an individual's privacy interests,  
279 based on factors that include:

280 (i) the sensitivity of the personal data processed;

281 (ii) the amount of personal data being processed;

282 (iii) the individual's ability to consent to the processing of personal data; and

283 (iv) risks of unauthorized access or use.

284 (b) "High-risk processing activities" may include the use of:

285 (i) facial recognition technology;

286 (ii) automated decision making;

287 (iii) profiling;

288 (iv) license plate readers;

289 (v) genetic data;

290 [~~v~~] (vi) biometric data; or

291 [~~v~~+] (vii) specific geolocation data.

292 (18) "Independent entity" means the same as that term is defined in Section 63E-1-102.

293 (19) "Individual" means the same as that term is defined in Section 63G-2-103.

294 (20) "Legal guardian" means:

295 (a) the parent of a minor; or

296 (b) an individual appointed by a court to be the guardian of a minor or incapacitated  
297 individual and given legal authority to make decisions regarding the person or  
298 property of the minor or incapacitated individual.

299 (21) "License plate reader" means a computerized system of:

300 (a) automated high-speed cameras used to capture license plate data; and

- 301           **(b)** optical character recognition software that converts the license plate data into  
 302           computer-readable data.
- 303    ~~[(21)]~~ (22) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.
- 304    ~~[(22)]~~ (23) "Ombudsperson" means the data privacy ombudsperson appointed under Section  
 305           63A-19-501.
- 306    ~~[(23)]~~ (24) "Person" means the same as that term is defined in Section 63G-2-103.
- 307    ~~[(24)]~~ (25) "Personal data" means information that is linked or can be reasonably linked to  
 308           an identified individual or an identifiable individual.
- 309    ~~[(25)]~~ (26) "Privacy annotation" means a summary of personal data contained in a record  
 310           series as described in Section 63A-19-401.1.
- 311    ~~[(26)]~~ (27) "Privacy practice" means a governmental entity's:
- 312           (a) organizational, technical, administrative, and physical safeguards designed to protect  
 313           an individual's personal data;
- 314           (b) policies and procedures related to the acquisition, use, storage, sharing, retention,  
 315           and disposal of personal data; and
- 316           (c) practice of providing notice to an individual regarding the individual's privacy rights.
- 317    ~~[(27)]~~ (28) "Process," "processing," or "processing activity" means any operation or set of  
 318           operations performed on personal data, including collection, recording, organization,  
 319           structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure  
 320           by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or  
 321           destruction.
- 322    ~~[(28)]~~ (29) "Profiling" ~~[means the processing of personal data to evaluate or predict an~~  
 323           ~~individual's:]~~ means any form of automated processing performed on personal data to  
 324           evaluate, analyze, or predict an identified or identifiable individual's economic situation,  
 325           health, personal preferences, interests, reliability, behavior, location, or movements.
- 326           ~~[(a) economic situation;]~~
- 327           ~~[(b) health;]~~
- 328           ~~[(c) personal preferences;]~~
- 329           ~~[(d) interests;]~~
- 330           ~~[(e) reliability;]~~
- 331           ~~[(f) behavior;]~~
- 332           ~~[(g) location; or]~~
- 333           ~~[(h) movements].~~
- 334    ~~[(29)]~~ (30) "Purchase" or "purchasing" means the exchange of monetary consideration to

- 335 obtain the personal data of an individual who is not a party to the transaction.
- 336 [~~(30)~~] (31) "Record" means the same as that term is defined in Section 63G-2-103.
- 337 [~~(31)~~] (32) "Record series" means the same as that term is defined in Section 63G-2-103.
- 338 [~~(32)~~] (33) "Retention schedule" means a governmental entity's schedule for the retention or  
339 disposal of records that has been approved by the Records Management Committee  
340 pursuant to Section 63A-12-113.
- 341 (34) "Security incident" means the unauthorized access, use, disclosure, modification, or  
342 destruction of information, or interference with system operations in the information  
343 system used by a governmental entity.
- 344 [~~(33)~~] (35)(a) "Sell" means an exchange of personal data for monetary consideration by a  
345 governmental entity to a third party.
- 346 (b) "Sell" does not include a fee:
- 347 (i) charged by a governmental entity for access to a record pursuant to Section  
348 63G-2-203; or
- 349 (ii) assessed in accordance with an approved fee schedule.
- 350 (36) "Specific geolocation data" means the same as that term is defined in Section  
351 13-61-101.
- 352 [~~(34)~~] (37)(a) "State agency" means the following entities that are under the direct  
353 supervision and control of the governor or the lieutenant governor:
- 354 (i) a department;
- 355 (ii) a commission;
- 356 (iii) a board;
- 357 (iv) a council;
- 358 (v) an institution;
- 359 (vi) an officer;
- 360 (vii) a corporation;
- 361 (viii) a fund;
- 362 (ix) a division;
- 363 (x) an office;
- 364 (xi) a committee;
- 365 (xii) an authority;
- 366 (xiii) a laboratory;
- 367 (xiv) a library;
- 368 (xv) a bureau;

- 369 (xvi) a panel;
- 370 (xvii) another administrative unit of the state; or
- 371 (xviii) an agent of an entity described in Subsections [~~(34)(a)(i)~~] (39)(a)(i) through
- 372 (xvii).
- 373 (b) "State agency" does not include:
- 374 (i) the legislative branch;
- 375 (ii) the judicial branch;
- 376 (iii) an executive branch agency within the Office of the Attorney General, the state
- 377 auditor, the state treasurer, or the State Board of Education; or
- 378 (iv) an independent entity.
- 379 [~~(35)~~] (38) "State privacy auditor" means the same as that term is defined in Section 67-3-13.
- 380 [~~(36)~~] (39) "Synthetic data" means artificial data that:
- 381 (a) is generated from personal data; and
- 382 (b) models the statistical properties of the original personal data.
- 383 [~~(37)~~] (40) "User" means an individual who accesses a government website.
- 384 [~~(38)~~] (41)(a) "User data" means any information about a user that is automatically
- 385 collected by a government website when a user accesses the government website.
- 386 (b) "User data" includes information that identifies:
- 387 (i) a user as having requested or obtained specific materials or services from a
- 388 government website;
- 389 (ii) Internet sites visited by a user;
- 390 (iii) the contents of a user's data-storage device;
- 391 (iv) any identifying code linked to a user of a government website; and
- 392 (v) a user's:
- 393 (A) IP or Mac address; or
- 394 (B) session ID.
- 395 [~~(39)~~] (42) "Website tracking technology" means any tool used by a government website to:
- 396 (a) monitor a user's behavior; or
- 397 (b) collect user data.
- 398 Section 4. Section **63A-19-102** is amended to read:
- 399 **63A-19-102 . State data privacy policy.**
- 400 It is the policy of Utah that:
- 401 (1) an individual has a fundamental interest in and inherent expectation of privacy
- 402 regarding the individual's personal data that the individual provides to a governmental

- 403 entity;
- 404 (2) a governmental entity shall process personal data in a manner that is consistent with the  
405 interests and expectations described in Subsection (1);
- 406 (3) the state shall encourage innovation to enhance the ability of a governmental entity to:
- 407 (a) protect the privacy of an individual's personal data;
- 408 (b)(i) provide clear notice, where possible, to an individual regarding the  
409 governmental entity's processing of the individual's personal data; or  
410 (ii) for processing activities for which an individual's personal data may be collected  
411 without the ability to provide direct notice, provide that public notice be given and  
412 that governmental entity's legislative bodies or elected officials authorize the data  
413 processing prior to implementation;
- 414 (c) process personal data only for specified, lawful purposes and only process the  
415 minimum amount of an individual's personal data necessary to achieve those  
416 purposes;
- 417 (d) implement appropriate consent mechanisms regarding the uses of an individual's  
418 personal data;
- 419 (e) provide an individual with the ability to access, control, and request corrections to  
420 the individual's personal data held by a governmental entity;
- 421 (f) maintain appropriate safeguards to protect the confidentiality, integrity, and  
422 availability of personal data;
- 423 (g) account for compliance with privacy related laws, rules, and regulations that are  
424 specific to a particular governmental entity, program, or personal data; and
- 425 (h) meet a governmental entity's and an individual's business and service needs;
- 426 (4) the state shall promote training and education programs for employees of governmental  
427 entities focused on:
- 428 (a) data privacy best practices, obligations, and responsibilities; and  
429 (b) the overlapping relationship with privacy, records management, and security; and
- 430 (5) the state shall promote consistent terminology in data privacy requirements across  
431 governmental entities.

432 Section 5. Section **63A-19-202** is amended to read:

433 **Part 2. Utah Privacy Governing Board and Utah Privacy Commission**

434 **63A-19-202 . Governing board duties.**

- 435 (1) The governing board shall:
- 436 (a) recommend changes to the state data privacy policy;

- 437 ~~[(b) by July 1 of each year, approve the data privacy agenda items for the commission~~  
 438 ~~and make recommendations for additional items for the data privacy agenda;]~~  
 439 ~~[(e)]~~ (b) hear issues raised by the ombudsperson regarding existing governmental entity  
 440 privacy practices;  
 441 ~~[(d)]~~ (c) evaluate and recommend the appropriate:  
 442 (i) structure and placement for the office within state government; and  
 443 (ii) authority to be granted to the office, including any authority to make rules; and  
 444 ~~[(e)]~~ (d) recommend funding mechanisms and strategies for governmental entities to  
 445 enable compliance with data privacy responsibilities, including:  
 446 (i) appropriations;  
 447 (ii) rates;  
 448 (iii) grants; and  
 449 (iv) internal service funds.

- 450 (2) In fulfilling the duties under this part, the governing board may receive and request  
 451 input from:  
 452 (a) governmental entities;  
 453 (b) elected officials;  
 454 (c) subject matter experts; and  
 455 (d) other stakeholders.

456 Section 6. Section **63A-19-203** is amended to read:

457 **63A-19-203 . Utah Privacy Commission created.**

- 458 (1) There is created the Utah Privacy Commission.  
 459 (2)(a) The commission shall be composed of ~~[12]~~ no more than 14 members.  
 460 (b) The governor shall appoint:  
 461 (i) one member who, at the time of appointment provides internet technology services  
 462 for a county;  
 463 (ii) one member with experience in cybersecurity;  
 464 (iii) one member representing private industry in technology;  
 465 (iv) one member representing law enforcement;~~[-and]~~  
 466 (v) one member with experience in data privacy law.; and  
 467 (vi) one member who is a private citizen representing the public.  
 468 (c) The State Board of Education shall appoint one member representing public  
 469 education entities and the privacy interests of students.  
 470 ~~[(e)]~~ (d) The state auditor shall appoint:

- 471 (i) one member with experience in internet technology services;  
472 (ii) one member with experience in cybersecurity;  
473 (iii) one member representing private industry in technology;  
474 (iv) one member with experience in data privacy law; and  
475 (v) one member representing municipalities~~[ who, at the time of appointment, has~~  
476 ~~expertise in civil liberties law, the ethical use of data, or the impacts of the use of~~  
477 ~~a technology on different populations.] .~~

478 ~~[(d)]~~ (e) The attorney general shall appoint:

- 479 (i) one member with experience as a prosecutor or appellate attorney and with  
480 experience in data privacy or civil liberties law; and  
481 (ii) one member representing law enforcement.

482 (3)(a) Except as provided in Subsection (3)(b), a member is appointed for a term of four  
483 years.

484 (b) The initial appointments of members described in Subsections ~~[(2)(b)(i) through~~  
485 ~~(b)(iii), (2)(c)(iv) through (c)(v), and (2)(d)(ii)]~~ (2)(b)(i) through (iii), (2)(d)(iv) and  
486 (v), and (2)(e)(ii) shall be for two-year terms.

487 (c) When the term of a current member expires, a member shall be reappointed or a new  
488 member shall be appointed in accordance with Subsection (2).

489 (4)(a) When a vacancy occurs in the membership for any reason, a replacement shall be  
490 appointed in accordance with Subsection (2) for the unexpired term.

491 (b) A member whose term has expired may continue to serve until a replacement is  
492 appointed.

493 (5) The commission shall select officers from the commission's members as the  
494 commission finds necessary.

495 (6)(a) A majority of the members of the commission is a quorum.

496 (b) The action of a majority of a quorum constitutes an action of the commission.

497 (7) A member may not receive compensation or benefits for the member's service but may  
498 receive per diem and travel expenses incurred as a member of the commission at the  
499 rates established by the Division of Finance under:

500 (a) Sections 63A-3-106 and 63A-3-107; and

501 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
502 63A-3-107.

503 (8) A member shall refrain from participating in a review of:

504 (a) an entity of which the member is an employee; or

- 505 (b) a technology in which the member has a financial interest.
- 506 (9) The ~~[state auditor]~~ office shall provide staff and support to the commission.
- 507 (10) The commission shall meet up to 12 times a year to accomplish the duties described in
- 508 Section 63A-19-204.
- 509 (11)(a) The commission shall, in accordance with Title 63G, Chapter 3, Utah
- 510 Administrative Rulemaking Act, make rules establishing participation requirements
- 511 for commission members.
- 512 (b) A commission member who fails to meet the participation requirements established
- 513 under Subsection (11)(a) may be removed by the official who appointed the member
- 514 in accordance with Subsection (2).
- 515 Section 7. Section **63A-19-204** is amended to read:
- 516 **63A-19-204 . Commission duties.**
- 517 (1) The commission shall:
- 518 ~~[(a) annually develop a data privacy agenda that identifies for the upcoming year:]~~
- 519 ~~[(i) governmental entity privacy practices to be reviewed by the commission;]~~
- 520 ~~[(ii) educational and training materials that the commission intends to develop;]~~
- 521 ~~[(iii) any other items related to data privacy the commission intends to study; and]~~
- 522 ~~[(iv) best practices and guiding principles that the commission plans to develop~~
- 523 ~~related to government privacy practices;]~~
- 524 ~~[(b)]~~ (a) develop guiding standards and best practices with respect to government privacy
- 525 practices;
- 526 ~~[(e)]~~ (b) develop educational and training materials that include information about:
- 527 (i) the privacy implications and civil liberties concerns of the privacy practices of
- 528 government entities;
- 529 (ii) best practices for government collection and retention policies regarding personal
- 530 data; and
- 531 (iii) best practices for government personal data security standards; and
- 532 ~~[(d)]~~ (c) review the privacy implications and civil liberties concerns of government
- 533 privacy practices~~[-and]~~ .
- 534 ~~[(e) provide the data privacy agenda to the governing board by May 1 of each year.]~~
- 535 (2) The commission may~~[- in addition to the approved items in the data privacy agenda~~
- 536 ~~prepared under Subsection (1)(a)]:~~
- 537 (a) review specific government privacy practices~~[-as referred to the commission by the~~
- 538 ~~chief privacy officer described in Section 63A-19-302 or the state privacy auditor~~

- 539 described in Section 67-3-13];
- 540 [(b) review a privacy practice not accounted for in the data privacy agenda only upon  
541 referral by the chief privacy officer or the state privacy auditor in accordance with  
542 this section;]
- 543 [(e)] (b) review and provide recommendations regarding consent mechanisms used by  
544 governmental entities to collect personal [information] data;
- 545 [(d)] (c) develop and provide recommendations to the Legislature on how to balance  
546 transparency and public access of public records against an individual's reasonable  
547 expectations of privacy and data protection;[-and]
- 548 [(e)] (d) develop recommendations for legislation regarding the guiding standards and  
549 best practices the commission has developed in accordance with Subsection (1)(a)[-];
- 550 (e) endorse any policy, practice, or report of the office; and
- 551 (f) consult with relevant public and private entities in the performance of the  
552 commission's duties listed in Subsection (1).
- 553 (3) At least annually, on or before October 1, the commission shall report to the [Judiciary]  
554 Government Operations Interim Committee:
- 555 (a) the results of any reviews the commission has conducted;
- 556 (b) the guiding standards and best practices described in Subsection (1)(b); and
- 557 (c) any recommendations for legislation the commission has developed in accordance  
558 with Subsection (2)(e).
- 559 (4)(a) Upon request by the governing board, a member of the commission shall give an  
560 update on the work of the commission at any governing board meeting.
- 561 (b) The governing board may at any time instruct the commission to review and report  
562 upon any privacy developments related to governmental privacy within the scope of  
563 the commission's duties.
- 564 [(4) At least annually, on or before June 1, the commission shall report to the governing  
565 board regarding:]
- 566 [(a) governmental entity privacy practices the commission plans to review in the next  
567 year;]
- 568 [(b) any educational and training programs the commission intends to develop in relation  
569 to government data privacy best practices;]
- 570 [(e) results of the commission's data privacy practice reviews from the previous year; and]
- 571 [(d) recommendations from the commission related to data privacy legislation,  
572 standards, or best practices.]

573 [~~(5) The data privacy agenda detailed in Subsection (1)(a) does not add to or expand the~~  
574 ~~authority of the commission.]~~

575 Section 8. Section **63A-19-301** is amended to read:

576 **63A-19-301 . Utah Office of Data Privacy.**

577 (1) There is created within the department the Utah Office of Data Privacy.

578 (2) The office shall coordinate with the governing board and the commission to perform the  
579 duties in this section.

580 (3) The office shall:

581 (a) create and maintain a data privacy framework designed to:

582 (i) assist governmental entities to identify and implement effective and efficient data  
583 privacy practices, tools, and systems that:

584 (A) protect the privacy of personal data;

585 (B) comply with data privacy laws and regulations specific to the governmental  
586 entity, program, or data;

587 (C) empower individuals to protect and control their personal data; and

588 (D) enable information use and sharing among governmental entities, as allowed  
589 by law; and

590 (ii) account for differences in a governmental entity's resources, capabilities,  
591 populations served, data types, and maturity level regarding data privacy practices;

592 (b) review statutory provisions related to governmental data privacy and records  
593 management to:

594 (i) identify conflicts and gaps in data privacy law; and

595 (ii) standardize language;

596 (c) work with governmental entities to study, research, and identify:

597 (i) additional data privacy practices that are feasible for governmental entities;

598 (ii) potential remedies and accountability mechanisms for non-compliance of a  
599 governmental entity;

600 (iii) ways to expand an individual's control over the individual's personal data  
601 processed by a governmental entity;

602 (iv) resources needed to develop, implement, and improve data privacy programs; and

603 (v) best practices regarding:

604 (A) automated decision making;

605 (B) the creation and use of synthetic, de-identified, or anonymized data; and

606 (C) the use of website tracking technology;

- 607 (d) monitor high-risk data processing activities within governmental entities;
- 608 (e) coordinate with the Cyber Center to develop an incident response plan for data  
609 breaches affecting governmental entities;
- 610 (f) coordinate with the state archivist to:
- 611 (i) incorporate data privacy practices into records management; and
- 612 (ii) include data privacy content in the trainings described in Section 63A-12-110; and
- 613 (g) develop, maintain, and make available data privacy training, education, and  
614 awareness materials that meet the requirements of Section 63A-19-401.2.
- 615 [~~(g) create a data privacy training program for employees of governmental entities as~~  
616 ~~described in Section 63A-19-401.3.]~~
- 617 (4) The office may:
- 618 (a) provide expertise and assistance to governmental entities for high-risk data  
619 processing activities;
- 620 (b) create assessment tools and resources that a governmental entity may use to:
- 621 (i) review, evaluate, and mature the governmental entity's privacy program, practices,  
622 and processing activities; and
- 623 (ii) evaluate the privacy impact, privacy risk, and privacy compliance of the  
624 governmental entity's privacy program, practices, and processing activities;
- 625 (c) charge a governmental entity a service fee, established in accordance with Section  
626 63J-1-504, for providing services that enable a governmental entity to perform the  
627 governmental entity's duties under Section 63A-19-401, if the governmental entity  
628 requests the office provide those services;
- 629 (d) bill a state agency, as provided in Section 63J-1-410, for any services the office  
630 provides to a state agency;
- 631 (e) provide funding to assist a governmental entity in complying with:
- 632 (i) this chapter; and
- 633 (ii) Title 63G, Chapter 2, Part 3, Classification, and Title 63G, Chapter 2, Part 6,  
634 Collection of Information and Accuracy of Records;
- 635 (f) advise the governing board about widespread or systemic data privacy matters or  
636 alleged violations;
- 637 (g) work with the Division of Purchasing and General Services to develop cooperative  
638 contracts that a governmental entity may choose to use to support the governmental  
639 entity's data privacy compliance;
- 640 (h) make available to governmental entities privacy compliance assessment tools that

- 641 may be used by governmental entities to assess the governmental entity's reasonable  
 642 compliance of processing activities described in this chapter;
- 643 (i) upon request of a governmental entity or on the office's own initiative, issue guidance  
 644 or recommendations regarding:
- 645 (i) interpretation of this chapter;  
 646 (ii) compliance with this chapter; and  
 647 (iii) best practices for data privacy and data governance;
- 648 (j) contract with an institute, component, or department at a state institution of higher  
 649 education to support the office in:
- 650 (i) conducting research and prepare reports regarding data privacy and data  
 651 governance;
- 652 (ii) providing support to the commission;  
 653 (iii) holding data governance summits and educational programs;  
 654 (iv) developing systems and tools to support data privacy and data governance; and  
 655 (v) providing other services in support of the office's duties under this chapter;
- 656 (k) create data governance models that may be used by governmental entities; and
- 657 ~~[(f)]~~ (l) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
 658 Rulemaking Act, to administer this [part] chapter.
- 659 (5)(a) Upon application by a governmental entity, the office may[:]  
 660 ~~[(f)]~~ grant, for a limited period of time, a governmental entity with an:
- 661 ~~[(A)]~~ (i) extension of time to comply with certain requirements of Part 4, Duties of  
 662 Governmental Entities; or
- 663 ~~[(B)]~~ (ii) exemption from complying with certain requirements of Part 4, Duties of  
 664 Governmental Entities[; or] .
- 665 ~~[(ii)]~~ allow a governmental entity to establish a data privacy training program for the  
 666 governmental entity's employees to complete, instead of the data privacy training  
 667 program established by the office under Section 63A-19-401.3, if the  
 668 governmental entity's data privacy training program contains the same information  
 669 contained in the office's data privacy training program.]
- 670 (b) On the office's own initiative, the office may issue a one-time extension to a category  
 671 or group of governmental entities to comply with certain requirements of Part 4,  
 672 Duties of Governmental Entities.
- 673 (c) An extension issued under Subsection (5)(b):  
 674 (i) shall:

- 675                   (A) identify the specific duty for which the extension is granted and the section  
 676                   that imposes the duty; and  
 677                   (B) specify the category or group of governmental entities to which the extension  
 678                   applies; and  
 679                   (ii) may not be longer than 12 months.
- 680           (d) An application for an extension or exemption submitted under Subsection [~~(5)(a)(i)~~]  
 681           ~~(5)(a)~~ shall:
- 682                   (i) identify the specific duty from which the governmental entity seeks an extension  
 683                   or exemption and the section that imposes that duty; and  
 684                   (ii) include a justification for the requested extension or exemption.
- 685           ~~(e)~~ (e) If the office grants an exemption under Subsection (5)(a), the office shall report  
 686           at the next board meeting:
- 687                   (i) the name of the governmental entity that received an exemption; and  
 688                   (ii) the nature of the exemption.
- 689           ~~(f)~~ (f) The office shall notify the state privacy auditor of any approved extensions or  
 690           exemptions.

691           Section 9. Section **63A-19-302** is amended to read:

692           **63A-19-302 . Chief privacy officer -- Appointment -- Powers -- Reporting.**

- 693           (1) The governor shall, with the advice and consent of the Senate, appoint a chief privacy  
 694           officer.
- 695           (2) The chief privacy officer is the director of the office.
- 696           (3) The chief privacy officer:
- 697                   (a) shall exercise all powers given to and perform all duties imposed on the office;  
 698                   (b) has administrative authority over the office;  
 699                   (c) may make changes in office personnel and service functions under the chief privacy  
 700                   officer's administrative authority;  
 701                   (d) may authorize a designee to assist with the chief privacy officer's responsibilities; and  
 702                   (e) shall report annually, on or before [~~October 1~~] June 30, to the [~~Judiciary Interim~~  
 703                   ~~Committee~~] Government Operations Interim Committee regarding:
- 704                   (i) recommendations for legislation to address data privacy concerns; and  
 705                   (ii) reports received from state agencies regarding the sale or sharing of personal data  
 706                   provided under [~~Subsection 63A-19-401(2)(f)(ii)~~] Section 63A-19-401.3.

707           Section 10. Section **63A-19-401** is amended to read:

708           **63A-19-401 . Duties of governmental entities.**

- 709 (1)(a) Except as provided in Subsections (1)(b) and (c), a governmental entity shall  
 710 comply with the requirements of this part.
- 711 (b) If any provision in this part conflicts with any other provisions of law, the more  
 712 specific or more restrictive [law] provision shall control.
- 713 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or  
 714 63G-2-704 from complying with the requirements in Title 63G, Chapter 2, Part 6,  
 715 Collection of Information and Accuracy of Records, is exempt from complying with  
 716 the requirements in this chapter.
- 717 (2)(a) A governmental entity shall:
- 718 (i) initiate a data privacy program before December 31, 2025;
- 719 (ii) obtain and process only the minimum amount of personal data reasonably  
 720 necessary to efficiently achieve a specified purpose;
- 721 (iii) meet the requirements of this part for all new processing activities implemented  
 722 by a governmental entity; and
- 723 (iv) for any processing activity implemented before May 7, 2025, as soon as is  
 724 reasonably practicable, but no later than July 1, 2027:
- 725 (A) identify any non-compliant processing activity;
- 726 [~~(B)~~ document the non-compliant processing activity;]
- 727 [~~(C)~~] (B) prepare a strategy for bringing the non-compliant processing activity into  
 728 compliance with this part; and
- 729 [~~(D)~~] (C) include the information described in Subsections (2)(a)(iv)(A) [through  
 730 ~~(E)~~] and (B) in the privacy program report described in Section 63A-19-401.3.
- 731 (b) A governmental entity that fulfills the reporting requirement under Section  
 732 63A-19-401.3 satisfies the requirement to initiate a privacy program under  
 733 Subsection (2)(a)(i).
- 734 (3) A governmental entity may not:
- 735 (a) establish, maintain, or use undisclosed or covert surveillance of individuals unless  
 736 permitted by law;
- 737 (b) sell personal data unless expressly required by law; and
- 738 (c) share personal data unless permitted by law.
- 739 Section 11. Section **63A-19-401.1** is amended to read:
- 740 **63A-19-401.1 . Privacy annotations.**
- 741 (1)(a) Beginning July 1, 2027, a state agency shall make a complete and accurate  
 742 privacy annotation for each record series containing personal data that the state

743 agency collects, maintains, or uses.

744 (b) After July 1, 2027, a state agency that has not [ereated] completed a privacy  
745 annotation for a record series containing personal data, may not collect, maintain, or  
746 use the personal data in the record series.

747 (2) If a state agency determines that a record series:

748 (a) does not contain personal data, the privacy annotation shall be limited to a statement  
749 indicating that the record series does not include personal data; or

750 (b) contains personal data, the privacy annotation shall include:

751 (i) an inventory of all types of personal data included in the record series;

752 (ii) a description of all purposes for which the state agency collects, keeps, or uses the  
753 personal data;

754 (iii) a citation to the state agency's legal authority for collecting, keeping, or using the  
755 personal data; and

756 (iv) any other information required by the rules created by the office under Section  
757 63A-19-301.

758 Section 12. Section **63A-19-401.2** is amended to read:

759 **63A-19-401.2 . Training requirements.**

760 [~~(1) The data privacy training program created by the office under Section 63A-4-301 shall  
761 be:~~]

762 [~~(a) designed to provide instruction regarding:~~]

763 [~~(i) data privacy best practices, obligations, and responsibilities; and]~~

764 [~~(ii) the relationship between privacy, records management, and security; and]~~

765 [~~(b) required for all employees of a governmental entity who:~~]

766 [~~(i) have access to personal data as part of the employee's work duties; or]~~

767 [~~(ii) supervise an employee who has access to personal data.]~~]

768 [~~(2) The training described in Subsection (1) shall be completed:]~~]

769 [~~(a) within 30 days after an employee of a governmental entity begins employment; and]~~

770 [~~(b) at least once in each calendar year.]~~]

771 [~~(3) A governmental entity is responsible for:]~~]

772 [~~(a) ensuring that each employee of the governmental entity completes the data privacy  
773 training as required by Subsection (2); and]~~]

774 [~~(b) reporting the governmental entity's compliance with the training requirements as  
775 described in Section 63A-19-401.3.]~~]

776 (1) An employee of a governmental entity shall complete data privacy training that includes

- 777 instruction on:
- 778 (a) data privacy best practices, obligations, and responsibilities;
- 779 (b) the relationship between privacy, records management, and security;
- 780 (c) the privacy interests and requirements of this chapter; and
- 781 (d) the privacy interests and requirements of Title 63G, Chapter 2, Government Records
- 782 Access and Management Act.
- 783 (2) An employee of a governmental entity shall complete the data privacy training
- 784 described in Subsection (1) if the employee:
- 785 (a) has access to personal data as part of the employee's assigned duties; or
- 786 (b) supervises an employee who has access to personal data.
- 787 (3) The training described in Subsection (1) shall be completed:
- 788 (a) within 30 days after the day on which the employee begins employment with a
- 789 governmental entity; and
- 790 (b) at least once in each calendar year.
- 791 (4) A governmental entity shall:
- 792 (a) ensure that each employee described in Subsection (2) completes a data privacy
- 793 training that meets the requirements described in Subsection (1); and
- 794 (b) report the percentage of the governmental entity's employees required to complete
- 795 the data privacy training under this section that have completed the training as part of
- 796 the privacy program report described in Section 63A-19-401.3.
- 797 (5) A governmental entity may use the data privacy training created by the office to satisfy
- 798 the requirements of this section, or may provide separate data privacy training that meets
- 799 the requirements of this section.

800 Section 13. Section **63A-19-401.3** is amended to read:

801 **63A-19-401.3 . Privacy program report.**

- 802 (1) On or before December 31 of each year, the chief administrative officer of each
- 803 governmental entity shall prepare a report that includes:
- 804 (a) ~~[whether]~~ how the governmental entity has initiated [a] the governmental entity's
- 805 privacy program;
- 806 (b) a description of:
- 807 (i) ~~[any privacy practices implemented by the governmental entity]~~ the governmental
- 808 entity's privacy program including privacy practices;
- 809 (ii) strategies for improving and maturing the governmental entity's privacy program
- 810 and practices; and

- 811 (iii) the governmental entity's high-risk processing activities;
- 812 (c) a list of the types of personal data the governmental entity currently shares, sells, or
- 813 purchases;
- 814 (d) the legal basis for sharing, selling, or purchasing personal data;
- 815 (e) the category of individuals or entities:
- 816 (i) with whom the governmental entity shares personal data;
- 817 (ii) to whom the governmental entity sells personal data; or
- 818 (iii) from whom the governmental entity purchases personal data;
- 819 (f) ~~[the percentage of the governmental entity's employees that have fulfilled the data~~
- 820 ~~privacy training requirements described in Section 63A-19-401.2]~~ the percentage of
- 821 the governmental entity's employees required to complete the data privacy training
- 822 under Section 63A-19-401.2 that have completed the training; and
- 823 (g) a description of any non-compliant processing activities identified under Subsection
- 824 63A-19-401(2)(a)(iv) and the governmental entity's strategy for bringing those
- 825 activities into compliance with this part.
- 826 (2) The report described in Subsection (1) shall be:
- 827 (a) ~~[shall be]~~ considered a protected record under Section 63G-2-305;~~[-and]~~
- 828 (b) ~~[may be made available at the request of the office.]~~ shared with the office, in
- 829 accordance with Section 63G-2-206, on or before December 31 each year; and
- 830 (c) retained by the governmental entity for no less than five years.

831 Section 14. Section **63A-19-401.4** is amended to read:

832 **63A-19-401.4 . Requirements for contractors.**

- 833 (1) Except as provided in Subsection (4), a contractor that processes or has access to
- 834 personal data as a part of the contractor's duties under a contract with a governmental
- 835 entity is subject to the requirements of this chapter to the same extent as the
- 836 governmental entity for any personal data the contractor processes or has access to under
- 837 a contract with the governmental entity.
- 838 (2) A contract entered into or renewed between a contractor and a governmental entity after
- 839 July 1, ~~[2026]~~ 2027, shall contain specific language that requires a contractor to comply
- 840 with the requirements of this chapter with regard to the personal data processed or
- 841 accessed by the contractor as a part of the contractor's duties under a contract to the
- 842 same extent as required of the governmental entity.
- 843 (3) The requirements under this section are in addition to and do not replace any other
- 844 requirements or liability that may be imposed for the contractor's violation of other laws

845 protecting privacy rights or government records.

846 (4) A contractor is not subject to the data privacy training program requirements described  
847 in Section 63A-19-401.2.

848 Section 15. Section **63A-19-403** is amended to read:

849 **63A-19-403 . Procedure to request amendment or correction of personal data.**

850 (1) A governmental entity that collects personal data shall provide a procedure by which an  
851 individual or legal guardian of an individual may request an amendment or correction of:

852 (a) personal data that has been furnished to the governmental entity[-] ; and

853 (b) information concerning an identifiable individual contained in a record maintained  
854 by the governmental entity, as allowed by law.

855 (2) The procedure by which an individual or legal guardian of an individual may request an  
856 amendment or correction shall comply with all applicable laws and regulations to which  
857 the personal data or information at issue and to which the governmental entity is subject.

858 (3) The procedure to request an amendment or correction described in this section does not  
859 obligate the governmental entity to make the requested amendment or correction.

860 Section 16. Section **63A-19-405** is amended to read:

861 **63A-19-405 . Data breach notification to the Cyber Center and the Office of the**  
862 **Attorney General.**

863 (1) As used in this section, "data breach" means:

864 (a) the unauthorized access, unauthorized acquisition, unauthorized disclosure, loss of  
865 access, or unauthorized destruction of personal data affecting 500 or more  
866 individuals; or

867 (b) a compromise of the security, confidentiality, availability, or integrity of the  
868 computer systems used by a governmental entity.

869 (2)(a) A governmental entity that identifies a security incident shall:

870 (i) determine whether the security incident constitutes a data breach; and

871 (ii) document the governmental entity's determination under Subsection (2)(a)(i).

872 (b) A governmental entity that [~~identifies a data breach affecting 500 or more~~  
873 individuals shall notify the Cyber Center and the attorney general of the data breach.]

874 determines under Subsection (2)(a) that a security incident constitutes a data breach  
875 shall provide notification of the data breach to:

876 (i) the attorney general; and

877 (ii) the Cyber Center in accordance with Section 63A-16-1103.

878 [~~(b)~~] (c) In addition to the notification required by Subsection [~~(1)(a);~~] (2)(b), a

879 governmental entity that identifies the unauthorized access, acquisition, disclosure,  
880 loss of access, or destruction of data that compromises the security, confidentiality,  
881 availability, or integrity of the computer systems used or information maintained by  
882 the governmental entity shall ~~[notify]~~ provide notification to the Cyber Center in  
883 accordance with Section 63A-16-1103.

884 ~~[(2)]~~ (3) The notification under Subsection ~~[(1)-]~~ (2) shall:

885 (a) be made without unreasonable delay, but no later than five days from the discovery  
886 of the data breach; and

887 (b) include the following information:

888 (i) the date and time the data breach occurred;

889 (ii) the date the data breach was discovered;

890 (iii) a short description of the data breach that occurred;

891 (iv) the means by which access was gained to the system, computer, or network;

892 (v) the person who perpetrated the data breach;

893 (vi) steps the governmental entity is or has taken to mitigate the impact of the data  
894 breach; and

895 (vii) any other details requested by the Cyber Center.

896 ~~[(3)]~~ (4) For a data breach ~~[under]~~ described in Subsection ~~[(1)(a),]~~ (2)(b) the governmental  
897 entity shall provide the following information to the Cyber Center and the attorney  
898 general in addition to the information required under Subsection ~~[(2)(b)]~~ (3)(b):

899 (a) the total number of individuals affected by the data breach, including the total  
900 number of Utah residents affected; and

901 (b) the type of personal data involved in the data breach.

902 ~~[(4)]~~ (5) If the information required by Subsections ~~[(2)(b)]~~ (3)(b) and ~~[(3)]~~ (4) is not  
903 available within five days of discovering the breach, the governmental entity shall  
904 provide as much of the information required under Subsections ~~[(2)(b)]~~ (3)(b) and ~~[(3)-]~~  
905 (4) as is available and supplement the notification with additional information as soon as  
906 the information becomes available.

907 ~~[(5)(a) A governmental entity that experiences a data breach affecting fewer than 500~~  
908 ~~individuals shall create an internal incident report containing the information in~~  
909 ~~Subsection (2)(b) as soon as practicable and shall provide additional information as~~  
910 ~~the information becomes available.]~~

911 ~~[(b) A governmental entity shall provide to the Cyber Center:]~~

912 ~~[(i) an internal incident report described in Subsection (5)(a) upon request of the~~

913                   Cyber Center; and]  
 914                   [(ii) an annual report logging all of the governmental entity's data breach incidents  
 915                   affecting fewer than 500 individuals.]

916                   Section 17. Section **63A-19-406** is amended to read:

917                   **63A-19-406 . Data breach notice to individuals affected by data breach.**

918                   (1) As used in this section, "data breach" means the unauthorized access, unauthorized  
 919                   acquisition, unauthorized disclosure, loss of access, or unauthorized destruction of  
 920                   personal data held by a governmental entity, unless the governmental entity concludes  
 921                   that there is a low probability that personal data has been compromised.

922                   [(+) (2)(a) Except as provided in Subsection [(+)(b);-] (2)(b), a governmental entity shall [  
 923                   provide] cause a data breach notice to be sent to an individual or legal guardian of an  
 924                   individual affected by the data breach:

- 925                   (i) after determining the scope of the data breach;
- 926                   (ii) after restoring the reasonable integrity of the affected system, if necessary; and
- 927                   (iii) without unreasonable delay except as provided in Subsection [(2);-] (3).

928                   (b) A governmental entity or the governmental entity's contractor is not required to  
 929                   provide a data breach notice to an affected individual as described in Subsection [  
 930                   (+)(a)-] (2)(a) if the:

- 931                   (i) personal data involved in the data breach would be classified as a public record  
 932                   under Section 63G-2-301; and
- 933                   (ii) the governmental entity prominently posts notice of the data breach on the  
 934                   homepage of the governmental entity's government website.

935                   [(2)] (3) A governmental entity or the governmental entity's contractor shall delay providing  
 936                   notification under Subsection [(+)-] (2) at the request of a law enforcement agency that  
 937                   determines that notification may impede a criminal investigation, until [such time as-]the  
 938                   law enforcement agency informs the governmental entity that notification will no longer  
 939                   impede the criminal investigation.

940                   [(3)] (4) The data breach notice to an affected individual shall include:

- 941                   (a) a description of the data breach;
- 942                   (b) the individual's personal data that was accessed or may have been accessed;
- 943                   (c) steps the governmental entity is taking or has taken to mitigate the impact of the data  
 944                   breach; and
- 945                   (d) recommendations to the individual on how to protect [themselves] the individual  
 946                   from identity theft and other financial losses[; and] .

- 947 ~~[(e) any other language required by the Cyber Center.]~~
- 948 ~~[(4)]~~ (5) Unless the governmental entity reasonably believes that providing notification
- 949 would pose a threat to the safety of an individual, or unless an individual has designated
- 950 to the governmental entity a preferred method of communication, a governmental entity
- 951 or the governmental entity's contractor shall provide notice by:
- 952 (a)(i) email, if reasonably available and allowed by law; or
- 953 (ii) mail; and
- 954 (b) one of the following methods, if the individual's contact information is reasonably
- 955 available and the method is allowed by law:
- 956 (i) text message with a summary of the data breach notice and instructions for
- 957 accessing the full notice; or
- 958 (ii) telephone message with a summary of the data breach notice and instructions for
- 959 accessing the full data breach notice.
- 960 ~~[(5)]~~ (6) A governmental entity shall also provide a data breach notice in a manner that is
- 961 reasonably calculated to have the best chance of being received by the affected
- 962 individual or the legal guardian of an individual, such as through a press release, posting
- 963 on appropriate social media accounts, or publishing notice in a newspaper of general
- 964 circulation when:
- 965 (a) a data breach affects more than 500 individuals; and
- 966 (b) a governmental entity is unable to obtain an individual's contact information to
- 967 provide notice for any method listed in Subsection ~~[(4)-]~~ (5).
- 968 Section 18. Section **63A-19-407** is enacted to read:
- 969 **63A-19-407 . Truth in surveillance.**
- 970 (1) As used in this section:
- 971 (a) "Cell site simulator" means a device that mimics a cell tower to force cellular devices
- 972 to connect to the device, allowing the device to intercept communications or track the
- 973 location of cellular devices.
- 974 (b) "Facial recognition system" means a technology that uses biometric data to identify
- 975 or verify an individual's identity by analyzing facial features.
- 976 (c) "Persistent aerial surveillance" means the continuous or extended monitoring of an
- 977 area for individuals or vehicles using an unmanned aircraft system or other aerial
- 978 platform.
- 979 (2) In accordance with the state data privacy policy described in Section 63A-19-102,
- 980 before implementing a facial recognition system, persistent aerial surveillance, a license

981 plate reader, or a cell site simulator, a governmental entity that is not a state agency shall:

- 982 (a) obtain authorization from the governmental entity's legislative body or elected  
 983 official through action taken in an open public meeting under Title 52, Chapter 4,  
 984 Open and Public Meetings Act; and  
 985 (b) provide in the public meeting described in Subsection (2)(a):  
 986 (i) a description of the technology to be implemented;  
 987 (ii) all intended purposes and uses of the personal data;  
 988 (iii) the classes of persons and governmental entities with whom the governmental  
 989 entity shares the personal data; and  
 990 (iv) a description of how the technology will be governed and overseen.

991 (3) A governmental entity that implements a technology described in Subsection (2) in  
 992 accordance with this section shall:

- 993 (a) include the technology in the governmental entity's annual report required under  
 994 Section 63A-19-401.3; and  
 995 (b) biannually review and acknowledge to the legislative body or elected official the  
 996 continued use of the technology.

997 (4) A governmental entity that has implemented a technology described in Subsection (2)  
 998 before May 6, 2026, shall:

- 999 (a) on or before November 30, 2027, report to the governmental entity's legislative body  
 1000 or elected official the information described in Subsection (2)(b); and  
 1001 (b) obtain authorization from the governmental entity's legislative body or elected  
 1002 official in accordance with Subsection (2) on or before May 6, 2028, to continue  
 1003 using the technology.

1004 (5) The office shall work with the commission and state agencies to:

- 1005 (a) study the best manner of disclosure for state agencies that implement a technology  
 1006 described in Subsection (2); and  
 1007 (b) prepare recommendations that would appropriately allow for public notice of the  
 1008 implementation of a technology described in Subsection (2) by a state agency.

1009 Section 19. Section **63A-19-408**, which is renumbered from Section 63G-2-303 is renumbered  
 1010 and amended to read:

1011 **[63G-2-303] 63A-19-408 . Private information concerning certain government**  
 1012 **employees.**

1013 (1) As used in this section:

- 1014 (a) "At-risk government employee" means a current or former:

- 1015 (i) peace officer as specified in Section 53-13-102;
- 1016 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court
- 1017 commissioner;
- 1018 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;
- 1019 (iv) judge authorized by Armed Forces, Title 10, United States Code;
- 1020 (v) federal prosecutor;
- 1021 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;
- 1022 (vii) law enforcement official as defined in Section 53-5a-311;
- 1023 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or
- 1024 (ix) state or local government employee who, because of the unique nature of the
- 1025 employee's regular work assignments or because of one or more recent credible
- 1026 threats directed to or against the employee, would be at immediate and substantial
- 1027 risk of physical harm if the employee's personal information is disclosed.
- 1028 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
- 1029 at-risk government employee who is living with the employee.
- 1030 (c) "Personal information" means the employee's or the employee's family member's
- 1031 home address, home telephone number, personal mobile telephone number, personal
- 1032 pager number, personal email address, social security number, insurance coverage,
- 1033 marital status, or payroll deductions.
- 1034 (2)(a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
- 1035 file a written application that:
- 1036 (i) gives notice of the employee's status as an at-risk government employee to each
- 1037 agency of a government entity holding a record or a part of a record that would
- 1038 disclose the employee's personal information; and
- 1039 (ii) requests that the government agency classify those records or parts of records as
- 1040 private.
- 1041 (b) An at-risk government employee desiring to file an application under this section
- 1042 may request assistance from the government agency to identify the individual records
- 1043 containing personal information.
- 1044 (c) Each government agency shall develop a form that:
- 1045 (i) requires the at-risk government employee to designate each specific record or part
- 1046 of a record containing the employee's personal information that the applicant
- 1047 desires to be classified as private;
- 1048 (ii) affirmatively requests that the government entity holding those records classify

- 1049           them as private;
- 1050           (iii) informs the employee that by submitting a completed form the employee may
- 1051           not receive official announcements affecting the employee's property, including
- 1052           notices about proposed municipal annexations, incorporations, or zoning
- 1053           modifications; and
- 1054           (iv) contains a place for the signature required under Subsection (2)(d).
- 1055           (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the
- 1056           highest ranking elected or appointed official in the employee's chain of command
- 1057           certifying that the employee submitting the form is an at-risk government employee.
- 1058   (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully
- 1059   satisfy the requirements of this section by:
- 1060           (a) providing a method for the assessment roll and index and the tax roll and index that
- 1061           will block public access to the home address, home telephone number, situs address,
- 1062           and Social Security number; and
- 1063           (b) providing the at-risk government employee requesting the classification with a
- 1064           disclaimer informing the employee that the employee may not receive official
- 1065           announcements affecting the employee's property, including notices about proposed
- 1066           annexations, incorporations, or zoning modifications.
- 1067   (4) A government agency holding records of an at-risk government employee classified as
- 1068   private under this section may release the record or part of the record if:
- 1069           (a) the employee or former employee gives written consent;
- 1070           (b) a court orders release of the records;
- 1071           (c) the government agency receives a certified death certificate for the employee or
- 1072           former employee; or
- 1073           (d) as it relates to the employee's voter registration record:
- 1074           (i) the person to whom the record or part of the record is released is a qualified
- 1075           person under Subsection 20A-2-104(4)(n); and
- 1076           (ii) the government agency's release of the record or part of the record complies with
- 1077           the requirements of Subsection 20A-2-104(4)(o).
- 1078   (5)(a) If the government agency holding the private record receives a subpoena for the
- 1079   records, the government agency shall attempt to notify the at-risk government
- 1080   employee or former employee by mailing a copy of the subpoena to the employee's
- 1081   last-known mailing address together with a request that the employee either:
- 1082           (i) authorize release of the record; or

- 1083 (ii) within 10 days of the date that the copy and request are mailed, deliver to the  
 1084 government agency holding the private record a copy of a motion to quash filed  
 1085 with the court who issued the subpoena.
- 1086 (b) The government agency shall comply with the subpoena if the government agency  
 1087 has:
- 1088 (i) received permission from the at-risk government employee or former employee to  
 1089 comply with the subpoena;
- 1090 (ii) not received a copy of a motion to quash within 10 days of the date that the copy  
 1091 of the subpoena was mailed; or
- 1092 (iii) received a court order requiring release of the records.
- 1093 (6)(a) Except as provided in Subsection (6)(b), a form submitted under this section  
 1094 remains in effect until the earlier of:
- 1095 (i) four years after the date the employee signs the form, whether or not the  
 1096 employee's employment terminates before the end of the four-year period; and
- 1097 (ii) one year after the government agency receives official notice of the death of the  
 1098 employee.
- 1099 (b) A form submitted under this section may be rescinded at any time by:
- 1100 (i) the at-risk government employee who submitted the form; or
- 1101 (ii) if the at-risk government employee is deceased, a member of the employee's  
 1102 immediate family.
- 1103 Section 20. Section **63A-19-501** is amended to read:
- 1104 **63A-19-501 . Data privacy ombudsperson.**
- 1105 (1) ~~[The governor shall appoint a data privacy ombudsperson with the advice of the~~  
 1106 ~~governing board.]~~ There is created within the office the position of data privacy  
 1107 ombudsperson.
- 1108 (2) The governor shall appoint the ombudsperson with the advice of the governing board.
- 1109 ~~[(2)]~~ (3) The ombudsperson shall:
- 1110 (a) be an attorney in good standing and authorized to practice law in this state;
- 1111 (b) be familiar with the provisions of:
- 1112 (i) this chapter;
- 1113 (ii) Chapter 12, Division of Archives and Records Service and Management of  
 1114 Government Records; and
- 1115 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 1116 ~~[(b)]~~ (c) serve as a resource for:

1117 (i) an individual who is making ~~[or responding to a complaint about a governmental~~  
 1118 ~~entity's data privacy practice]~~ a data privacy complaint; and

1119 (ii) a governmental entity ~~[which]~~ that is the subject of a data privacy complaint.

1120 ~~[(3)]~~ (4) The ombudsperson may~~[-]~~ :

1121 (a)(i) upon request by a governmental entity or individual, mediate [data privacy  
 1122 ~~disputes between individuals and governmental entities]~~ a dispute between the  
 1123 governmental entity and the individual regarding the individual's data privacy  
 1124 complaint; and

1125 (ii) upon resolution of a data privacy complaint described in Subsection (4)(a)(i), post  
 1126 on the office's website a brief summary of the data privacy complaint and the  
 1127 resolution of the matter; and

1128 (b) provide data privacy education and training in accordance with Subsection  
 1129 63A-19-301(3)(g).

1130 (5) The ombudsperson may not:

1131 (a) mediate a dispute between a governmental entity and an individual if the individual's  
 1132 data privacy complaint is within the authority of:

1133 (i) the Government Records Office created in Section 63A-12-202; or

1134 (ii) the government records ombudsman established in Section 63A-12-204;

1135 (b) expand the scope of a mediation beyond the individual's data privacy complaint;

1136 (c) testify, or be compelled to testify, regarding a matter for which the ombudsperson  
 1137 provides services under this section; or

1138 (d) conduct an audit of a governmental entity's privacy practices.

1139 ~~[(4)]~~ (6) After consultation with the chief privacy officer, the ombudsperson may raise [  
 1140 ~~issues]~~ matters and questions ~~[before]~~ to the governing board~~[ regarding serious and~~  
 1141 ~~repeated violations of data privacy from:]~~ .

1142 ~~[(a) a specific governmental entity; or]~~

1143 ~~[(b) widespread governmental entity data privacy practices.]~~

1144 ~~[(5) When a data privacy complaint has been resolved, the ombudsperson shall post on the~~  
 1145 ~~office's website a summary of the complaint and the resolution of the matter.]~~

1146 Section 21. Section **63A-19-502** is enacted to read:

1147 **63A-19-502 . Data privacy complaint process.**

1148 (1) An individual who makes a data privacy complaint shall first submit the complaint to  
 1149 the chief administrative officer of the governmental entity that is the subject of the  
 1150 complaint.

1151 (2) Upon receipt of a data privacy complaint under Subsection (1), the chief administrative  
 1152 officer shall attempt to resolve the complaint with the individual.

1153 (3) If the chief administrative officer is unable to resolve a data privacy complaint with the  
 1154 individual under Subsection (2), the individual or the governmental entity may request  
 1155 mediation with the ombudsperson in accordance with Section 63A-19-501.

1156 (4) If an individual submits a data privacy complaint directly to the ombudsperson, the  
 1157 ombudsperson shall:

1158 (a) notify the individual and the governmental entity that the complaint will be referred  
 1159 to the chief administrative officer of the governmental entity; and

1160 (b) refer the complaint to the chief administrative officer.

1161 (5) This section does not apply to a complaint about data privacy that is within the authority  
 1162 of:

1163 (a) the Government Records Office created in Section 63A-12-202; or

1164 (b) the government records ombudsman established in Section 63A-12-204.

1165 Section 22. Section **63G-2-201** is amended to read:

1166 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**  
 1167 **protected, and other restricted records -- Disclosure and nondisclosure of records --**  
 1168 **Certified copy of record -- Limits on obligation to respond to record request.**

1169 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public  
 1170 record free of charge, and the right to take a copy of a public record during normal  
 1171 working hours, subject to Sections 63G-2-203 and 63G-2-204.

1172 (b) A right under Subsection (1)(a) does not apply with respect to a record:

1173 (i) a copy of which the governmental entity has already provided to the person;

1174 (ii) that is the subject of a records request that the governmental entity is not required  
 1175 to fill under Subsection (7)(a)(v); or

1176 (iii)(A) that is accessible only by a computer or other electronic device owned or  
 1177 controlled by the governmental entity;

1178 (B) that is part of an electronic file that also contains a record that is private,  
 1179 controlled, or protected; and

1180 (C) that the governmental entity cannot readily segregate from the part of the  
 1181 electronic file that contains a private, controlled, or protected record.

1182 (2) A record is public unless otherwise expressly provided by statute.

1183 (3) The following records are not public:

1184 (a) a record that is private, controlled, or protected under Sections 63G-2-302, [

- 1185           ~~63G-2-303]~~ 63A-19-408, 63G-2-304, and 63G-2-305; and
- 1186           (b) a record to which access is restricted pursuant to court rule, another state statute,  
1187           federal statute, or federal regulation, including records for which access is governed  
1188           or restricted as a condition of participation in a state or federal program or for  
1189           receiving state or federal funds.
- 1190           (4) Only a record specified in Section 63G-2-302, [~~63G-2-303]~~ 63A-19-408, 63G-2-304, or  
1191           63G-2-305 may be classified private, controlled, or protected.
- 1192           (5)(a) A governmental entity may not disclose a record that is private, controlled, or  
1193           protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),  
1194           Section 63G-2-202, 63G-2-206, or [~~63G-2-303]~~ 63A-19-408.
- 1195           (b) A governmental entity may disclose a record that is private under Subsection  
1196           63G-2-302(2) or protected under Section 63G-2-305 to persons other than those  
1197           specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or  
1198           a designee, determines that:
- 1199           (i) there is no interest in restricting access to the record; or
- 1200           (ii) the interests favoring access are greater than or equal to the interest favoring  
1201           restriction of access.
- 1202           (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may  
1203           disclose a record that is protected under Subsection 63G-2-305(51) if:
- 1204           (i) the head of the governmental entity, or a designee, determines that the disclosure:
- 1205           (A) is mutually beneficial to:
- 1206           (I) the subject of the record;
- 1207           (II) the governmental entity; and
- 1208           (III) the public; and
- 1209           (B) serves a public purpose related to:
- 1210           (I) public safety; or
- 1211           (II) consumer protection; and
- 1212           (ii) the person who receives the record from the governmental entity agrees not to use  
1213           or allow the use of the record for advertising or solicitation purposes.
- 1214           (6) A governmental entity shall provide a person with a certified copy of a record if:
- 1215           (a) the person requesting the record has a right to inspect it;
- 1216           (b) the person identifies the record with reasonable specificity; and
- 1217           (c) the person pays the lawful fees.
- 1218           (7)(a) In response to a request, a governmental entity is not required to:

- 1219 (i) create a record;
- 1220 (ii) compile, format, manipulate, package, summarize, or tailor information;
- 1221 (iii) provide a record in a particular format, medium, or program not currently
- 1222 maintained by the governmental entity;
- 1223 (iv) fulfill a person's records request if the request unreasonably duplicates prior
- 1224 records requests from that person;
- 1225 (v) fill a person's records request if:
- 1226 (A) the record requested is:
- 1227 (I) publicly accessible online; or
- 1228 (II) included in a public publication or product produced by the governmental
- 1229 entity receiving the request; and
- 1230 (B) the governmental entity:
- 1231 (I) specifies to the person requesting the record where the record is accessible
- 1232 online; or
- 1233 (II) provides the person requesting the record with the public publication or
- 1234 product and specifies where the record can be found in the public
- 1235 publication or product; or
- 1236 (vi) fulfill a person's records request if:
- 1237 (A) the person has been determined under Section 63G-2-209 to be a vexatious
- 1238 requester;
- 1239 (B) the order of the director of the Government Records Office determining the
- 1240 person to be a vexatious requester provides that the governmental entity is not
- 1241 required to fulfill a request from the person for a period of time; and
- 1242 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 1243 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 1244 (8)(a) Although not required to do so, a governmental entity may, upon request from the
- 1245 person who submitted the records request, compile, format, manipulate, package,
- 1246 summarize, or tailor information or provide a record in a format, medium, or program
- 1247 not currently maintained by the governmental entity.
- 1248 (b) In determining whether to fulfill a request described in Subsection (8)(a), a
- 1249 governmental entity may consider whether the governmental entity is able to fulfill
- 1250 the request without unreasonably interfering with the governmental entity's duties
- 1251 and responsibilities.
- 1252 (c) A governmental entity may require a person who makes a request under Subsection

- 1253 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for  
1254 providing the information or record as requested.
- 1255 (9)(a) Notwithstanding any other provision of this chapter, and subject to Subsection  
1256 (9)(b), a governmental entity is not required to respond to, or provide a record in  
1257 response to, a record request if the request is submitted by or in behalf of an  
1258 individual who is on parole or confined in a jail or other correctional facility  
1259 following the individual's conviction.
- 1260 (b) Subsection (9)(a) does not apply to:
- 1261 (i) the first five record requests submitted to the governmental entity by or in behalf  
1262 of an individual described in Subsection (9)(a) during any calendar year  
1263 requesting only a record that contains a specific reference to the individual; or  
1264 (ii) a record request that is submitted by an attorney of an individual described in  
1265 Subsection (9)(a).
- 1266 (10)(a) A governmental entity may allow a person requesting more than 50 pages of  
1267 records to copy the records if:
- 1268 (i) the records are contained in files that do not contain records that are exempt from  
1269 disclosure, or the records may be segregated to remove private, protected, or  
1270 controlled information from disclosure; and
- 1271 (ii) the governmental entity provides reasonable safeguards to protect the public from  
1272 the potential for loss of a public record.
- 1273 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 1274 (i) provide the requester with the facilities for copying the requested records and  
1275 require that the requester make the copies; or
- 1276 (ii) allow the requester to provide the requester's own copying facilities and personnel  
1277 to make the copies at the governmental entity's offices and waive the fees for  
1278 copying the records.
- 1279 (11)(a) A governmental entity that owns an intellectual property right and that offers the  
1280 intellectual property right for sale or license may control by ordinance or policy the  
1281 duplication and distribution of the material based on terms the governmental entity  
1282 considers to be in the public interest.
- 1283 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections  
1284 granted to the governmental entity under federal copyright or patent law as a result of  
1285 its ownership of the intellectual property right.
- 1286 (12) A governmental entity may not use the physical form, electronic or otherwise, in

1287 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect  
 1288 and receive a copy of a record under this chapter.

1289 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide  
 1290 access to an electronic copy of a record in lieu of providing access to its paper  
 1291 equivalent if:

- 1292 (a) the person making the request requests or states a preference for an electronic copy;
- 1293 (b) the governmental entity currently maintains the record in an electronic format that is  
 1294 reproducible and may be provided without reformatting or conversion; and
- 1295 (c) the electronic copy of the record:
  - 1296 (i) does not disclose other records that are exempt from disclosure; or
  - 1297 (ii) may be segregated to protect private, protected, or controlled information from  
 1298 disclosure without the undue expenditure of public resources or funds.

1299 (14) In determining whether a record is properly classified as private under Subsection  
 1300 63G-2-302(2)(d), the governmental entity, the director of the Government Records  
 1301 Office, local appeals board, or court shall consider and weigh:

- 1302 (a) any personal privacy interests, including those in images, that would be affected by  
 1303 disclosure of the records in question; and
- 1304 (b) any public interests served by disclosure.

1305 Section 23. Section **63G-2-301** is amended to read:

1306 **63G-2-301 . Public records.**

1307 (1) As used in this section:

- 1308 (a) "Business address" means a single address of a governmental agency designated for  
 1309 the public to contact an employee or officer of the governmental agency.
- 1310 (b) "Business email address" means a single email address of a governmental agency  
 1311 designated for the public to contact an employee or officer of the governmental  
 1312 agency.
- 1313 (c) "Business telephone number" means a single telephone number of a governmental  
 1314 agency designated for the public to contact an employee or officer of the  
 1315 governmental agency.
- 1316 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

1317 (2) The following records are public except to the extent they contain information expressly  
 1318 permitted to be treated confidentially under the provisions of Subsections  
 1319 63G-2-201(3)(b) and (6)(a):

- 1320 (a) laws;

- 1321 (b) the name, gender, gross compensation, job title, job description, business address,  
1322 business email address, business telephone number, number of hours worked per pay  
1323 period, dates of employment, and relevant education, previous employment, and  
1324 similar job qualifications of a current or former employee or officer of the  
1325 governmental entity, excluding:
- 1326 (i) undercover law enforcement personnel; and
  - 1327 (ii) investigative personnel if disclosure could reasonably be expected to impair the  
1328 effectiveness of investigations or endanger any individual's safety;
- 1329 (c) final opinions, including concurring and dissenting opinions, and orders that are  
1330 made by a governmental entity in an administrative, adjudicative, or judicial  
1331 proceeding except that if the proceedings were properly closed to the public, the  
1332 opinion and order may be withheld to the extent that they contain information that is  
1333 private, controlled, or protected;
- 1334 (d) final interpretations of statutes or rules by a governmental entity unless classified as  
1335 protected as provided in Subsection 63G-2-305(17) or (18);
- 1336 (e) information contained in or compiled from a transcript, minutes, or report of the open  
1337 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,  
1338 Open and Public Meetings Act, including the records of all votes of each member of  
1339 the governmental entity;
- 1340 (f) judicial records unless a court orders the records to be restricted under the rules of  
1341 civil or criminal procedure or unless the records are private under this chapter;
- 1342 (g) unless otherwise classified as private under Section [~~63G-2-303~~] 63A-19-408, records  
1343 or parts of records filed with or maintained by county recorders, clerks, treasurers,  
1344 surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the  
1345 School and Institutional Trust Lands Administration, the Division of Oil, Gas, and  
1346 Mining, the Division of Water Rights, or other governmental entities that give public  
1347 notice of:
- 1348 (i) titles or encumbrances to real property;
  - 1349 (ii) restrictions on the use of real property;
  - 1350 (iii) the capacity of persons to take or convey title to real property; or
  - 1351 (iv) tax status for real and personal property;
- 1352 (h) records of the Department of Commerce that evidence incorporations, mergers, name  
1353 changes, and uniform commercial code filings;
- 1354 (i) data on individuals that would otherwise be private under this chapter if the

- 1355 individual who is the subject of the record has given the governmental entity written  
1356 permission to make the records available to the public;
- 1357 (j) documentation of the compensation that a governmental entity pays to a contractor or  
1358 private provider;
- 1359 (k) summary data;
- 1360 (l) voter registration records, including an individual's voting history, except for a voter  
1361 registration record or those parts of a voter registration record that are classified as  
1362 private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection  
1363 20A-2-104(7);
- 1364 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if  
1365 available, and email address, if available, where that elected official may be reached  
1366 as required in Title 11, Chapter 47, Access to Elected Officials;
- 1367 (n) for a school community council member, a telephone number, if available, and email  
1368 address, if available, where that elected official may be reached directly as required  
1369 in Section 53G-7-1203;
- 1370 (o) annual audited financial statements of the Utah Educational Savings Plan described  
1371 in Section 53H-10-210; and
- 1372 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as  
1373 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 1374 (3) The following records are normally public, but to the extent that a record is expressly  
1375 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
1376 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1377 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 1378 (b) records documenting a contractor's or private provider's compliance with the terms  
1379 of a contract with a governmental entity;
- 1380 (c) records documenting the services provided by a contractor or a private provider to  
1381 the extent the records would be public if prepared by the governmental entity;
- 1382 (d) contracts entered into by a governmental entity;
- 1383 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
1384 by a governmental entity;
- 1385 (f) records relating to government assistance or incentives publicly disclosed, contracted  
1386 for, or given by a governmental entity, encouraging a person to expand or relocate a  
1387 business in Utah, except as provided in Subsection 63G-2-305(35);
- 1388 (g) chronological logs and initial contact reports;

- 1389 (h) correspondence by and with a governmental entity in which the governmental entity  
1390 determines or states an opinion upon the rights of the state, a political subdivision,  
1391 the public, or any person;
- 1392 (i) empirical data contained in drafts if:  
1393 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
1394 form; and  
1395 (ii) the governmental entity is given a reasonable opportunity to correct any errors or  
1396 make nonsubstantive changes before release;
- 1397 (j) drafts that are circulated to anyone other than:  
1398 (i) a governmental entity;  
1399 (ii) a political subdivision;  
1400 (iii) a federal agency if the governmental entity and the federal agency are jointly  
1401 responsible for implementation of a program or project that has been legislatively  
1402 approved;  
1403 (iv) a government-managed corporation; or  
1404 (v) a contractor or private provider;
- 1405 (k) drafts that have never been finalized but were relied upon by the governmental entity  
1406 in carrying out action or policy;
- 1407 (l) original data in a computer program if the governmental entity chooses not to  
1408 disclose the program;
- 1409 (m) arrest warrants after issuance, except that, for good cause, a court may order  
1410 restricted access to arrest warrants prior to service;
- 1411 (n) search warrants after execution and filing of the return, except that a court, for good  
1412 cause, may order restricted access to search warrants prior to trial;
- 1413 (o) records that would disclose information relating to formal charges or disciplinary  
1414 actions against a past or present governmental entity employee if:  
1415 (i) the disciplinary action has been completed and all time periods for administrative  
1416 appeal have expired; and  
1417 (ii) the charges on which the disciplinary action was based were sustained;
- 1418 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and  
1419 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that  
1420 evidence mineral production on government lands;
- 1421 (q) final audit reports;
- 1422 (r) occupational and professional licenses;

- 1423 (s) business licenses;
- 1424 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
- 1425 records used to initiate proceedings for discipline or sanctions against persons
- 1426 regulated by a governmental entity, but not including records that initiate employee
- 1427 discipline; and
- 1428 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding
- 1429 the operation of a correctional facility or the care and control of inmates
- 1430 committed to the custody of a correctional facility; and
- 1431 (ii) records that disclose the results of an audit or other inspection assessing a
- 1432 correctional facility's compliance with a standard, regulation, policy, guideline, or
- 1433 rule described in Subsection (3)(u)(i).
- 1434 (4) The list of public records in this section is not exhaustive and should not be used to limit
- 1435 access to records.
- 1436 Section 24. Section **63G-2-302** is amended to read:
- 1437 **63G-2-302 . Private records.**
- 1438 (1) The following records are private:
- 1439 (a) records concerning an individual's eligibility for unemployment insurance benefits,
- 1440 social services, welfare benefits, or the determination of benefit levels;
- 1441 (b) records containing data on individuals describing medical history, diagnosis,
- 1442 condition, treatment, evaluation, or similar medical data;
- 1443 (c) records of publicly funded libraries that when examined alone or with other records
- 1444 identify a patron;
- 1445 (d) records received by or generated by or for:
- 1446 (i) the Independent Legislative Ethics Commission, except for:
- 1447 (A) the commission's summary data report that is required under legislative rule;
- 1448 and
- 1449 (B) any other document that is classified as public under legislative rule; or
- 1450 (ii) a Senate or House Ethics Committee in relation to the review of ethics
- 1451 complaints, unless the record is classified as public under legislative rule;
- 1452 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
- 1453 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
- 1454 Review of Executive Branch Ethics Complaints;
- 1455 (f) records received or generated for a Senate confirmation committee concerning
- 1456 character, professional competence, or physical or mental health of an individual:

- 1457 (i) if, prior to the meeting, the chair of the committee determines release of the  
1458 records:
- 1459 (A) reasonably could be expected to interfere with the investigation undertaken by  
1460 the committee; or
- 1461 (B) would create a danger of depriving a person of a right to a fair proceeding or  
1462 impartial hearing; and
- 1463 (ii) after the meeting, if the meeting was closed to the public;
- 1464 (g) employment records concerning a current or former employee of, or applicant for  
1465 employment with, a governmental entity that would disclose that individual's home  
1466 address, home telephone number, social security number, insurance coverage, marital  
1467 status, or payroll deductions;
- 1468 (h) records or parts of records under Section [~~63G-2-303~~] 63A-19-408 that a current or  
1469 former employee identifies as private according to the requirements of that section;
- 1470 (i) that part of a record indicating a person's social security number or federal employer  
1471 identification number if provided under Section 31A-23a-104, 31A-25-202,  
1472 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 1473 (j) that part of a voter registration record identifying a voter's:
- 1474 (i) driver license or identification card number;
- 1475 (ii) social security number, or last four digits of the social security number;
- 1476 (iii) email address;
- 1477 (iv) date of birth; or
- 1478 (v) phone number;
- 1479 (k) a voter registration record that is classified as a private record by the lieutenant  
1480 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or  
1481 20A-2-204(4)(b);
- 1482 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 1483 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any  
1484 verification submitted in support of the form;
- 1485 (n) a record or information regarding whether a voter returned a ballot with postage  
1486 attached;
- 1487 (o) a record that:
- 1488 (i) contains information about an individual;
- 1489 (ii) is voluntarily provided by the individual; and
- 1490 (iii) goes into an electronic database that:

- 1491 (A) is designated by and administered under the authority of the [~~Chief~~  
1492 ~~Information Officer~~] chief information officer; and
- 1493 (B) acts as a repository of information about the individual that can be  
1494 electronically retrieved and used to facilitate the individual's online interaction  
1495 with a state agency;
- 1496 (p) information provided to the [~~Commissioner of Insurance~~] commissioner of insurance  
1497 under:
- 1498 (i) Subsection 31A-23a-115(3)(a);  
1499 (ii) Subsection 31A-23a-302(4); or  
1500 (iii) Subsection 31A-26-210(4);
- 1501 (q) information obtained through a criminal background check under Title 11, Chapter  
1502 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 1503 (r) information provided by an offender that is:
- 1504 (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and  
1505 Child Abuse Offender Registry; and
- 1506 (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);
- 1507 (s) a statement and any supporting documentation filed with the attorney general in  
1508 accordance with Section 34-45-107, if the federal law or action supporting the filing  
1509 involves homeland security;
- 1510 (t) electronic toll collection customer account information received or collected under  
1511 Section 72-6-118 and customer information described in Section 17B-2a-815  
1512 received or collected by a public transit district, including contact and payment  
1513 information and customer travel data;
- 1514 (u) an email address provided by a military or overseas voter under Section 20A-16-501;
- 1515 (v) a completed military-overseas ballot that is electronically transmitted under Title  
1516 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 1517 (w) records received by or generated by or for the Political Subdivisions Ethics Review  
1518 Commission established in Section 63A-15-201, except for:
- 1519 (i) the commission's summary data report that is required in Section 63A-15-202; and  
1520 (ii) any other document that is classified as public in accordance with Title 63A,  
1521 Chapter 15, Political Subdivisions Ethics Review Commission;
- 1522 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an  
1523 incident or threat;
- 1524 (y) a criminal background check or credit history report conducted in accordance with

- 1525 Section 63A-3-201;
- 1526 (z) a record described in Subsection 53-5a-104(7);
- 1527 (aa) on a record maintained by a county for the purpose of administering property taxes,
- 1528 an individual's:
- 1529 (i) email address;
- 1530 (ii) phone number; or
- 1531 (iii) personal financial information related to a person's payment method;
- 1532 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
- 1533 exemption, deferral, abatement, or relief under:
- 1534 (i) Title 59, Chapter 2, Part 11, Exemptions; or
- 1535 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
- 1536 (cc) a record provided by the State Tax Commission in response to a request under
- 1537 Subsection 59-1-403(4)(y)(iii);
- 1538 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual
- 1539 child welfare case, as described in Subsection 36-33-103(3);
- 1540 (ee) a record relating to drug or alcohol testing of a state employee under Section
- 1541 63A-17-1004;
- 1542 (ff) a record relating to a request by a state elected official or state employee who has
- 1543 been threatened to the Division of Technology Services to remove personal
- 1544 identifying information from the open web under Section 63A-16-109;
- 1545 (gg) a record including confidential information as that term is defined in Section
- 1546 67-27-106; and
- 1547 (hh) a record or notice received or generated under Title 53, Chapter 30, Security
- 1548 Improvements Act, relating to:
- 1549 (i) an application for certification described in Section 53-30-201; or
- 1550 (ii) a security improvement, including a building permit application or building
- 1551 permit for a security improvement described in Section 53-30-301.
- 1552 (2) The following records are private if properly classified by a governmental entity:
- 1553 (a) records concerning a current or former employee of, or applicant for employment
- 1554 with a governmental entity, including performance evaluations and personal status
- 1555 information such as race, religion, or disabilities, but not including records that are
- 1556 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
- 1557 Subsection (1)(b);
- 1558 (b) records describing an individual's finances, except that the following are public:

- 1559 (i) records described in Subsection 63G-2-301(2);
- 1560 (ii) information provided to the governmental entity for the purpose of complying
- 1561 with a financial assurance requirement; or
- 1562 (iii) records that must be disclosed in accordance with another statute;
- 1563 (c) records of independent state agencies if the disclosure of those records would
- 1564 conflict with the fiduciary obligations of the agency;
- 1565 (d) other records containing data on individuals the disclosure of which constitutes a
- 1566 clearly unwarranted invasion of personal privacy;
- 1567 (e) records provided by the United States or by a government entity outside the state that
- 1568 are given with the requirement that the records be managed as private records, if the
- 1569 providing entity states in writing that the record would not be subject to public
- 1570 disclosure if retained by it;
- 1571 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
- 1572 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
- 1573 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
- 1574 vulnerable adult; and
- 1575 (g) audio and video recordings created by a body-worn camera, as defined in Section
- 1576 77-7a-103, that record sound or images inside a home or residence except for
- 1577 recordings that:
- 1578 (i) depict the commission of an alleged crime;
- 1579 (ii) record any encounter between a law enforcement officer and a person that results
- 1580 in death or bodily injury, or includes an instance when an officer fires a weapon;
- 1581 (iii) record any encounter that is the subject of a complaint or a legal proceeding
- 1582 against a law enforcement officer or law enforcement agency;
- 1583 (iv) contain an officer-involved critical incident as defined in Subsection
- 1584 76-2-408(1)(f); or
- 1585 (v) have been requested for reclassification as a public record by a subject or
- 1586 authorized agent of a subject featured in the recording.
- 1587 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
- 1588 statements, history, diagnosis, condition, treatment, and evaluation.
- 1589 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
- 1590 doctors, or affiliated entities are not private records or controlled records under
- 1591 Section 63G-2-304 when the records are sought:
- 1592 (i) in connection with any legal or administrative proceeding in which the patient's

1593 physical, mental, or emotional condition is an element of any claim or defense; or  
 1594 (ii) after a patient's death, in any legal or administrative proceeding in which any  
 1595 party relies upon the condition as an element of the claim or defense.

1596 (c) Medical records are subject to production in a legal or administrative proceeding  
 1597 according to state or federal statutes or rules of procedure and evidence as if the  
 1598 medical records were in the possession of a nongovernmental medical care provider.

1599 Section 25. Section **63G-2-601** is amended to read:

1600 **63G-2-601 . Rights of individuals on whom data is maintained -- Classification**  
 1601 **statement filed with state archivist -- Notice to provider of information.**

1602 (1)(a) Each governmental entity shall file with the state archivist a statement explaining,  
 1603 for each record series collected, maintained, or used by the governmental entity, the  
 1604 purposes for which each private or controlled record in the record series is collected,  
 1605 maintained, or used by that governmental entity.

1606 (b) The statement filed under Subsection (1)(a):

1607 (i) shall identify the authority under which the governmental entity collects the  
 1608 records or information included in the statement described in Subsection (1)(a);  
 1609 and

1610 (ii) is a public record.

1611 (2) A governmental entity may only use the information contained in a controlled or private  
 1612 record for:

1613 (a) the purposes described in the statement provided under Subsection (1); or

1614 (b) the purposes for which another governmental entity may use the record under  
 1615 Section 63G-2-206.

1616 [~~(2)(a) A governmental entity shall provide the notice described in this Subsection (2)~~  
 1617 ~~to a person that is asked to furnish information that could be classified as a private or~~  
 1618 ~~controlled record.]~~

1619 [(b) The notice required under Subsection (2)(a) shall:]

1620 [(i) identify the record series that includes the information described in Subsection  
 1621 (2)(a);]

1622 [(ii) state the reasons the person is asked to furnish the information;]

1623 [(iii) state the intended uses of the information;]

1624 [(iv) state the consequences for refusing to provide the information; and]

1625 [(v) disclose the classes of persons and the governmental entities that currently:]

1626 [(A) share the information with the governmental entity; or]

- 1627           ~~[(B) receive the information from the governmental entity on a regular or~~  
 1628           ~~contractual basis.]~~
- 1629       ~~[(e) The governmental entity shall:]~~
- 1630           ~~[(i) post the notice required under this Subsection (2) in a prominent place at all~~  
 1631           ~~locations where the governmental entity collects the information; or]~~
- 1632           ~~[(ii) include the notice required under this Subsection (2) as part of the documents or~~  
 1633           ~~forms that are used by the governmental entity to collect the information.]~~
- 1634       ~~[(3) Upon request, each governmental entity shall, in relation to the information described~~  
 1635       ~~in Subsection (2)(a), as applicable, explain to a person:]~~
- 1636           ~~[(a) the reasons the person is asked to furnish information;]~~  
 1637           ~~[(b) the intended uses of the information;]~~  
 1638           ~~[(c) the consequences for refusing to provide the information; and]~~  
 1639           ~~[(d) the reasons and circumstances under which the information may be shared with, or~~  
 1640           ~~provided to, other persons or governmental entities.]~~
- 1641       ~~[(4) A governmental entity may use the information that the governmental entity is required~~  
 1642       ~~to disclose under Subsection (2)(a) only for those purposes:]~~
- 1643           ~~[(a) given in the statement filed with the state archivist under Subsection (1); or]~~  
 1644           ~~[(b) for which another governmental entity may use the record under Section 63G-2-206.]~~
- 1645       Section 26. Section **63G-2-803** is amended to read:
- 1646       **63G-2-803 . No individual liability for certain decisions of a governmental entity.**
- 1647       (1) Neither the governmental entity, nor any officer or employee of the governmental  
 1648       entity, is liable for damages resulting from the release of a record where the person or  
 1649       government requesting the record presented evidence of authority to obtain the record  
 1650       even if it is subsequently determined that the requester had no authority.
- 1651       (2) Neither the governmental entity, nor any officer or employee of the governmental  
 1652       entity, is liable for damages arising from the negligent disclosure of records classified as  
 1653       private under Subsection 63G-2-302(1)(g) unless:
- 1654           (a) the disclosure was of employment records maintained by the governmental entity; or  
 1655           (b) the current or former government employee had previously filed the notice required  
 1656           by Section ~~[63G-2-303]~~ 63A-19-408 and:
- 1657           (i) the government entity did not take reasonable steps to preclude access or  
 1658           distribution of the record; or  
 1659           (ii) the release of the record was otherwise willfully or grossly negligent.
- 1660       (3) A mailing from a government agency to an individual who has filed an application

1661 under Section [~~63G-2-303~~] ~~63A-19-408~~ is not a wrongful disclosure under this chapter or  
1662 under Title 63A, Chapter 12, Division of Archives and Records Service and  
1663 Management of Government Records.

1664 Section 27. Section **67-1a-15** is amended to read:

1665 **67-1a-15 . Local government and limited purpose entity registry.**

1666 (1) As used in this section:

1667 (a) "Entity" means a limited purpose entity or a local government entity.

1668 (b)(i) "Limited purpose entity" means a legal entity that:

1669 (A) performs a single governmental function or limited governmental functions;  
1670 and

1671 (B) is not a state executive branch agency, a state legislative office, or within the  
1672 judicial branch.

1673 (ii) "Limited purpose entity" includes:

1674 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as  
1675 those terms are defined in Section 26B-6-101;

1676 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;

1677 (C) community reinvestment agencies, as that term is defined in Section  
1678 17C-1-102;

1679 (D) conservation districts, as that term is defined in Section 17D-3-102;

1680 (E) governmental nonprofit corporations, as that term is defined in Section  
1681 11-13a-102;

1682 (F) housing authorities, as that term is defined in Section 35A-8-401;

1683 (G) independent entities and independent state agencies, as those terms are  
1684 defined in Section 63E-1-102;

1685 (H) interlocal entities, as that term is defined in Section 11-13-103;

1686 (I) local building authorities, as that term is defined in Section 17D-2-102;

1687 (J) special districts, as that term is defined in Section 17B-1-102;

1688 (K) local health departments, as that term is defined in Section 26A-1-102;

1689 (L) local mental health authorities, as that term is defined in Section 62A-15-102;

1690 (M) nonprofit corporations that receive an amount of money requiring an  
1691 accounting report under Section 51-2a-201.5;

1692 (N) school districts under Title 53G, Chapter 3, School District Creation and  
1693 Change;

1694 (O) special service districts, as that term is defined in Section 17D-1-102; and

- 1695 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.
- 1696 (c) "Local government and limited purpose entity registry" or "registry" means the  
1697 registry of local government entities and limited purpose entities created under this  
1698 section.
- 1699 (d) "Local government entity" means:  
1700 (i) a county, as that term is defined in Section 17-60-101; and  
1701 (ii) a municipality, as that term is defined in Section 10-1-104.
- 1702 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in  
1703 accordance with Subsection (7)(a), to an entity that does not register.
- 1704 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a  
1705 registered entity, in accordance with Subsection (7)(b).
- 1706 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a  
1707 registered entity, in accordance with Subsection (6)(c).
- 1708 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an  
1709 entity and the state auditor, in accordance with Subsection (9).
- 1710 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends, in  
1711 accordance with Subsection (6)(b)(i).
- 1712 (j) "Registered entity" means an entity with a valid registration as described in  
1713 Subsection (8).
- 1714 (2) The lieutenant governor shall:  
1715 (a) create a registry of each local government entity and limited purpose entity within  
1716 the state that:  
1717 (i) contains the information described in Subsection (4); and  
1718 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;  
1719 and  
1720 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504,  
1721 based on and to directly offset the cost of creating, administering, and maintaining  
1722 the registry.
- 1723 (3) Each local government entity and limited purpose entity shall:  
1724 (a) on or before July 1, 2019, register with the lieutenant governor as described in  
1725 Subsection (4);  
1726 (b) on or before one year after the day on which the lieutenant governor issues the notice  
1727 of registration or renewal, annually renew the entity's registration in accordance with  
1728 Subsection (5); and

- 1729 (c) on or before 30 days after the day on which any of the information described in  
1730 Subsection (4) changes, send notice of the changes to the lieutenant governor.
- 1731 (4) Each entity shall include the following information in the entity's registration  
1732 submission:
- 1733 (a) the resolution or other legal or formal document creating the entity or, if the  
1734 resolution or other legal or formal document creating the entity cannot be located,  
1735 conclusive proof of the entity's lawful creation;
- 1736 (b) if the entity has geographic boundaries, a map or plat identifying the current  
1737 geographic boundaries of the entity, or if it is impossible or unreasonably expensive  
1738 to create a map or plat, a metes and bounds description, or another legal description  
1739 that identifies the current boundaries of the entity;
- 1740 (c) the entity's name;
- 1741 (d) the entity's type of local government entity or limited purpose entity;
- 1742 (e) the entity's governmental function;
- 1743 (f) the entity's website, physical address, and phone number, including the name and  
1744 contact information of an individual whom the entity designates as the primary  
1745 contact for the entity;
- 1746 (g)(i) names, email addresses, and phone numbers of the members of the entity's  
1747 governing board or commission, managing officers, or other similar managers and  
1748 the method by which the members or officers are appointed, elected, or otherwise  
1749 designated;
- 1750 (ii) the date of the most recent appointment or election of each entity governing board  
1751 or commission member; and
- 1752 (iii) the date of the anticipated end of each entity governing board or commission  
1753 member's term;
- 1754 (h) the entity's sources of revenue; and
- 1755 (i) if the entity has created an assessment area, as that term is defined in Section  
1756 11-42-102, information regarding the creation, purpose, and boundaries of the  
1757 assessment area.
- 1758 (5) Each entity shall include the following information in the entity's renewal submission:
- 1759 (a) identify and update any incorrect or outdated information the entity previously  
1760 submitted during registration under Subsection (4); or
- 1761 (b) certify that the information the entity previously submitted during registration under  
1762 Subsection (4) is correct without change.

- 1763 (6) Within 30 days of receiving an entity's registration or renewal submission, the lieutenant  
1764 governor shall:
- 1765 (a) review the submission to determine compliance with Subsection (4) or (5);
- 1766 (b) if the lieutenant governor determines that the entity's submission complies with  
1767 Subsection (4) or (5):
- 1768 (i) send a notice of registration or renewal that includes the information that the entity  
1769 submitted under Subsection (4) or (5) to:
- 1770 (A) the registering or renewing entity;
- 1771 (B) each county in which the entity operates, either in whole or in part, or where  
1772 the entity's geographic boundaries overlap or are contained within the  
1773 boundaries of the county;
- 1774 (C) the Division of Archives and Records Service; and
- 1775 (D) the Office of the Utah State Auditor; and
- 1776 (ii) publish the information from the submission on the registry, except any email  
1777 address or phone number that is personal information as defined in Section [  
1778 ~~63G-2-303~~] 63A-19-408; and
- 1779 (c) if the lieutenant governor determines that the entity's submission does not comply  
1780 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of  
1781 noncompliance to the registering or renewing entity that:
- 1782 (i) identifies each deficiency in the entity's submission with the corresponding  
1783 statutory requirement;
- 1784 (ii) establishes a deadline to cure the entity's noncompliance that is the first business  
1785 day that is at least 30 calendar days after the day on which the lieutenant governor  
1786 sends the notice of noncompliance; and
- 1787 (iii) states that failure to comply by the deadline the lieutenant governor establishes  
1788 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice  
1789 of non-registration to the Office of the Utah State Auditor, in accordance with  
1790 Subsection (9).
- 1791 (7)(a) If the lieutenant governor identifies an entity that does not make a registration  
1792 submission in accordance with Subsection (4) by the deadline described in  
1793 Subsection (3), the lieutenant governor shall send a notice of failure to register to the  
1794 registered entity that:
- 1795 (i) identifies the statutorily required registration deadline described in Subsection (3)  
1796 that the entity did not meet;

- 1797 (ii) establishes a deadline to cure the entity's failure to register that is the first  
1798 business day that is at least 10 calendar days after the day on which the lieutenant  
1799 governor sends the notice of failure to register; and
- 1800 (iii) states that failure to comply by the deadline the lieutenant governor establishes  
1801 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice  
1802 of non-registration to the Office of the Utah State Auditor, in accordance with  
1803 Subsection (9).
- 1804 (b) If a registered entity does not make a renewal submission in accordance with  
1805 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor  
1806 shall send a notice of failure to renew to the registered entity that:
- 1807 (i) identifies the renewal deadline described in Subsection (3) that the entity did not  
1808 meet;
- 1809 (ii) establishes a deadline to cure the entity's failure to renew that is the first business  
1810 day that is at least 30 calendar days after the day on which the lieutenant governor  
1811 sends the notice of failure to renew; and
- 1812 (iii) states that failure to comply by the deadline the lieutenant governor establishes  
1813 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice  
1814 of non-registration to the Office of the Utah State Auditor, in accordance with  
1815 Subsection (9).
- 1816 (8) An entity's registration is valid:
- 1817 (a) if the entity makes a registration or renewal submission in accordance with the  
1818 deadlines described in Subsection (3);
- 1819 (b) during the period the lieutenant governor establishes in the notice of noncompliance  
1820 or notice of failure to renew during which the entity may cure the identified  
1821 registration deficiencies; and
- 1822 (c) for one year beginning on the day the lieutenant governor issues the notice of  
1823 registration or renewal.
- 1824 (9)(a) The lieutenant governor shall send a notice of non-registration to the Office of the  
1825 Utah State Auditor if an entity fails to:
- 1826 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes  
1827 in the notice of noncompliance;
- 1828 (ii) register by the deadline the lieutenant governor establishes in the notice of failure  
1829 to register; or
- 1830 (iii) cure the entity's failure to renew by the deadline the lieutenant governor

- 1831 establishes in the notice of failure to renew.
- 1832 (b) The lieutenant governor shall ensure that the notice of non-registration:
- 1833 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or
- 1834 the notice of failure to renew; and
- 1835 (ii) requests that the state auditor withhold state allocated funds or the disbursement
- 1836 of property taxes and prohibit the entity from accessing money held by the state or
- 1837 money held in an account of a financial institution, in accordance with
- 1838 Subsections 67-3-1(7)(i) and 67-3-1(10).
- 1839 (10) The lieutenant governor may extend a deadline under this section if an entity notifies
- 1840 the lieutenant governor, before the deadline to be extended, of the existence of an
- 1841 extenuating circumstance that is outside the control of the entity.
- 1842 (11)(a) An entity is not required to renew submission of a registration under this section
- 1843 if an entity provides a record of dissolution.
- 1844 (b) The lieutenant governor shall include in the registry an entity's record of dissolution
- 1845 and indicate on the registry that the entity is dissolved.
- 1846 **Section 28. Effective Date.**
- 1847 This bill takes effect on May 6, 2026.